

**No. 598.**—COMMISSARIAT DEPARTMENT—  
Sub-Conductor James Ettridge to be Conductor;  
Sergeant Ethelred Elder Hutchins to be Sub-Conductor,—  
with effect from the 5th June, 1886, *vice* Conductor E. Wadsworth, pensioned.

#### ORDNANCE DEPARTMENT.

**No. 599.**—The undermentioned Sub-Conductors on probation, are confirmed in their present grade, with effect from the dates specified :—

Frederick Clarke,—1st January, 1886.  
William Smith, 1st January, 1886.  
Thomas Martin, 9th February, 1886.

**No. 600.**—Sub-Conductor James Packer to be Conductor;

Store-Sergeant Alfred Charles Williams to be Sub-Conductor, on probation,—

with effect from the 8th August, 1886, *vice* Conductor J. Kirk, pensioned.

O. R. NEWMARCH, *Major-General*,  
*Secretary to the Government of India.*

### PUBLIC WORKS DEPARTMENT.

#### NOTIFICATIONS.

*Simla, the 30th August, 1886.*

**No. 217.**—Mr. C. A. Bull, Executive Engineer, 1st Grade, State Railways, is appointed

Engineer-in-Chief of the Cuddapah-Nellore State Railway.

*The 31st August, 1886.*

**No. 218.**—Mr. R. S. Strachey, Assistant Engineer, 1st Grade, North-Western Provinces and Oudh, temporarily employed in the Accounts Branch as Deputy Examiner, is retransferred to the Engineer Establishment and posted to British Burma.

**No. 219.**—With reference to Public Works Department Notification No. 40, dated the 15th February, 1886, Mr. G. B. Reynolds, Deputy Manager, Umaria Colliery, is appointed Manager, *vice* Mr. J. Y. Davidson, until further orders.

**No. 220.**—With reference to Public Works Department Notification No. 343, dated the 19th December, 1885, Mr. C. L. Taylor, Traffic Candidate, is appointed to Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, with effect from the 1st July, 1886.

**No. 221.**—Mr. J. J. Lenehan, Deputy Examiner, is transferred from the Office of the Examiner of Telegraph Accounts to that of the Examiner of Accounts, Eastern Bengal Railway.

*The 1st September, 1886.*

**No. 222.**—Mr. A. B. Gatherer, Executive Engineer, 1st Grade, is transferred from Hyderabad to Assam.

**No. 223.**—The following is published for general information :—

No. 1347G., dated 30th August, 1886.

RESOLUTION—By the Government of India, Public Works Department.

*Addition of a period not exceeding three years to the pensionable service of Civil Engineers, who were appointed to the Department as Assistant Engineers, 1st Grade.*

Read again—

Despatch from Secretary of State, No. 71P.W., dated 13th November, 1884.

Public Works Department Resolution No. 1442G., dated 13th December, 1884.

Despatch from Secretary of State, No. 14P.W., dated 23rd April, 1885.

RESOLUTION.—In the Despatch of November, 1884, read in the preamble, the Secretary of State for India sanctioned a period not exceeding three years being added to the pensionable service of Civil Engineers, who were appointed to the Department as Assistant Engineers, 1st Grade, after they had left other employment in India, on the same conditions that the concession had previously been sanctioned for Civil Engineers, who were appointed to the Department with initial rank higher than that of 1st Grade Assistant Engineer; these conditions were—

i. That they were appointed before the 1st November, 1873.

ii. That they did not receive a bonus on leaving the service of a Guaranteed Railway Company.

In giving publicity to His Lordship's sanction in Rule V of Public Works Department Resolution No. 1442G., dated 13th December, 1884, the conditions attached to the grant of the concession were omitted.

His Excellency in Council is pleased to order the words "After they had left other employ in India" to be expunged from the Rule, the Secretary of State having in the Despatch of the 23rd April, 1885, quoted in the preamble, authorised the extension of the concession to all Civil Engineers appointed to the 1st Grade of Assistant Engineers on entering the Department, provided the conditions laid down are fulfilled.

Rule V of the Resolution now read again is accordingly reconstructed as follows :

V.—Civil Engineers, who were appointed before 1st November, 1873, to the Department as Assistant Engineers, 1st Grade, will be allowed on account of previous experience

to add to their pensionable service a period not exceeding three years, provided such previous experience was not acquired before the age of 25. This concession will not, however, be granted to any officer taken over, directly or indirectly, from one of the Guaranteed Railway Companies, who received a bonus on leaving the service of the Company.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments,

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.

The Chief Commissioners of the Central Provinces, British Burma, Assam, and Coorg.

The Resident at Hyderabad.

The Agents to the Governor-General for Central India, Rajputana, and Biluchistan.

The Accountant-General, Public Works Department.

The Inspector-General of Military Works.

The Director-General of Railways.

The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.

The Superintendent of Works, Simla Imperial Circle.

Administrations and Officers noted on the margin, and that it be published in the *Gazette of India* and in all local official Gazettes.

*The 3rd September, 1886.*

**No. 225.—Corrigendum.**—In Public Works Department Notification No. 209, dated 11th August, 1886, making certain promotions of Executive and Assistant Engineers attached to State Railways, for "Leemond, W. A." read "Lesmond, W. A."

#### TELEGRAPH.

*The 2nd September, 1886.*

**No. 224.—Erratum.**—In Public Works Department Notification No. 205, dated 7th August, 1886, for "Mr. E. Dawson," read "Mr. E. Dawson."

W. S. TREVOR, Colonel, R.E.,  
Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 37.

SIMLA, SATURDAY, SEPTEMBER 11, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor-General's Council assented to by the Governor-General:—

*Nothing for publication.*

PART V.—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

The Jhansi and Morar Bill.  
The Native Passenger Ships Bill.  
The Glanders and Farcy Act, 1879, Amendment Bill.  
The General Clauses Bill.  
The Civil Procedure Code Amendment Bill.

SUPPLEMENT No. 37.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—PUBLIC.

*Simla, the 9th September, 1886.*

No. 1375.—Under the provisions of Section 27 (b) of the Indian Arms Act, 1878, the Governor-General in Council cancels so much of this Department Notification No. 518, dated the 6th March, 1879, as exempts kyedangyis in Lower Burma from the operations of all prohibitions and directions contained in Sections 13, 14, 15, and 16 of the Indian Arms Act, and again subjects kyedangyis to the operation of such prohibitions and directions.

No. 1376.—The Governor-General in Council is pleased, under Section 17 of the Indian Arms Act, 1878, to direct that the following clause shall be added to the conditions printed on the back of Forms VI and VII of the forms of licenses published with Notification No. 518, dated the 6th March, 1879, when such licenses are granted in Lower Burma:

"The license-holder shall not sell arms or ammunition to any Asiatic without the permission in writing of a Magistrate of the 1st Class or of the District Superintendent of Police, and shall not sell in any one year to any Asiatic more than one pound of gunpowder and 100 caps without the sanction of the District Magistrate or of the Subdivisional Officer."

### EXAMINATIONS.

*The 8th September, 1886.*

No. 36.—Mr. R. C. Stevenson, an Assistant Commissioner in Burma, having obtained a Degree of Honor in Burmese in the 1st Division, has been presented with the authorized donation of Rs. 4,000.

### JUDICIAL.

*The 10th September, 1886.*

No. 1317.—The services of Mr. G. E. Porter, C.S., are replaced at the disposal of the Government of Bengal, with effect from the 13th instant.

### ECCLESIASTICAL.

*The 6th September, 1886.*

No. 236.—Her Majesty's Secretary of State has permitted the Reverend B. Morrell, M.A., a Senior Chaplain on the Bengal Ecclesiastical Establishment, to retire from the service on medical certificate, with effect from the 15th instant.

No. 238.—Her Majesty's Secretary of State has permitted the Reverend F. V. Knox, M.A., a Junior Chaplain on the Bengal (Lahore) Establishment, to resign his appointment, with effect from the 19th instant.

## PATENTS.

*The 6th September, 1886.*

No. 1131.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 40 of 1886.—Frederick de la Fontaine Williams, of No. 6, Jeffrey's Square, in the City of London, England, Merchant, for manufacture of an illuminant appliance for gas and other burners.

No. 47 of 1886.—Eugene Charles Schrottky, Technical and Agricultural Chemist, at present of Mozufferpore, in the District of Tirhoot, for the improvement of indigo manufacture.

No. 92 of 1886.—Lieutenant-Colonel G. D. A. Jackson, G.L.C., Executive Engineer, and Conductor T. Gray, Sub-Engineer of Dum-Dum, for a machine to facilitate the bending and making of sheets of iron such as are used for joining and covering the edges of iron sheets used in roofing in the manner known as the Nynee Tal system of roof covering.

No. 109 of 1886.—Edmonds Mulock, of the Junior United Service Club, London, England, a Colonel in Her Majesty's Forces, Companion of the Bath, for improvements in apparatus for working punkahs.

No. 118 of 1886.—Harry Murray and Alexander Paterson, both residents of Soparie Baugh Road, Parel, Bombay, India, for improvements in visible drop Lubricators for oiling the moving parts of steam and other Engines.

No. 130 of 1886.—Eugene Charles Schrottky, Technical and Agricultural Chemist of Mozufferpore, in the District of Tirhoot, for the improvement of Indigo manufacture.

No. 136 of 1886.—Thomas Rodger, Engineer, Thomas Black, Accountant, and Robert Crawford, Ironmonger, all of Dunedin, in the Colony of New Zealand, for improved self emptying hopper waggons for ballasting on railways.

No. 133 of 1886.—Thomas Rodger, Engineer, Thomas Black, Accountant, and Robert Crawford, Ironmonger, all of Dunedin, in the Colony of New Zealand, for an improved plough for spreading and trimming ballast on Railways.

## FORESTS.

*The 10th September, 1886.*

No. 805 F.—In supersession of the Notification of this Department No. 702F., dated the 13th ultimo, it is hereby notified that the following temporary promotions are made during the absence on seventy-three days' privilege leave of

Mr. A. L. Home, Conservator of Forests of the 3rd (officiating 2nd) Grade in Bengal:—

Mr. E. G. Chester, Deputy Conservator of Forests of the 3rd Grade in Bengal, to officiate in the 3rd Grade of Conservators and to have charge of the Forest Department in Bengal, from the 9th June to the 20th August, 1886 (inclusive).

Mr. H. C. Hill, officiating Conservator of Forests of the 3rd Grade in the Punjab, to officiate in the 2nd Grade of Conservators, from the 21st June to the 12th August, 1886 (inclusive), *vide* Notifications No. 513F., dated the 19th June, and No. 604F., dated the 23rd July, 1886.

Mr. W. R. Fisher, B.A., officiating Conservator of Forests of the 3rd Grade, in charge of the School Circle in the North-Western Provinces and Oudh, to officiate in the 2nd Grade of Conservators, from the 13th to the 20th August, 1886 (inclusive), *vide* Notification No. 513F., dated the 19th June, 1886.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

## NOTIFICATIONS.—GENERAL.

*Simla, the 7th September, 1886.*

No. 661—61-7 G.—The services of Mr. C. S. Bayley, Under-Secretary to the Government of India in the Revenue and Agricultural Department, are placed at the disposal of the Foreign Department.

*The 10th September, 1886.*

No. 682—61-9 G.—Mr. W. R. Lawrence, C.S., Under-Secretary to the Government of the Punjab, is appointed to be Under-Secretary to the Government of India in the Revenue and Agricultural Department, substantively *pro tempore*, with effect from the 13th instant, during the absence of Mr. C. S. Bayley, or until further orders.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 9th September, 1886.*

No. 1782 G.—Mr. C. S. Bayley, B.C.S., Under-Secretary to the Government of India in the Revenue and Agricultural Department, is appointed to be a Political Agent of the 3rd Class, sub. *pro tem.*, and is posted as Assistant Commissioner in Ajmere, with effect from the date of joining.

*The 10th September, 1886.*

No. 1793 G.—With the approval of Her Majesty's Government, the Governor-General in Council is pleased to recognise provisionally the appointment of Chevalier Finzi as Consul for Italy at Rangoon.

*The 7th September, 1886.*

*Proclamation issued by the Government of India in the Foreign Department.*

**No. 2080 E.**—In exercise of the powers vested in him by the Statute 28 & 29 Vic., cap. 17, section 4, and in supersession of the Proclamations cited marginally, the Governor-General in Council is pleased to declare that the settlement of Aden and its dependencies, including the villages of Shaikh Othman, Imád and Hiswah, the Island of Perim, and Little Aden, are and shall be subject to the Government of Bombay.

Nos. 762-E. and 430-E., dated respectively the 24th April, 1883, and the 13th February, 1884.

*The 9th September, 1886.*

**No. 3211 I.**—In modification of the Notification of the Government of India in the Foreign Department, No. 2252 I., dated the 7th August, 1883, it is hereby declared that in Section 13 of the Indian Limitation Act, XV of 1877, for the words "British India" the words "the territories of Mysore (including the Civil and Military Station of Bangalore) and British India" shall be read.

H. M. DURAND,  
*Secretary to the Government of India.*

**DEPARTMENT OF FINANCE AND COMMERCE.**

**NOTIFICATIONS.**

**LEAVE AND APPOINTMENTS.**

*Simla, the 8th September, 1886.*

**No. 3002.**—Mr. E. Grant, Chief Superintendent in the Office of the Comptroller of Burma, having returned from privilege leave, resumed charge of his duties from Mr. W. G. Clague before noon on the 16th August, 1886.

*The 10th September, 1886.*

**No. 3065.**—The following grade promotion and reversions among officers of the Account Department are hereby notified:—

With effect from the 26th July, 1886, in consequence of the departure on privilege leave of Mr. W. H. Dobbie—

Mr. M. Oung to officiate as Enrolled Officer, Class IV.

With effect from the 22nd August, 1886, in consequence of the return from privilege leave of Mr. T. W. Rawlins—

Mr. E. J. Sinkinson to cease to officiate as Accountant-General, Class II, and to officiate as Accountant-General, Class III.

Mr. A. F. Cox to cease to officiate as Accountant-General, Class III, and to officiate as Enrolled Officer, Class II.

Mr. F. De H. Larpent to cease to officiate as Enrolled Officer, Class II, and to officiate as Enrolled Officer, Class III.

Mr. C. E. Crawley to cease to officiate as Enrolled Officer, Class III, and to officiate as Enrolled Officer, Class IV.

Mr. M. Oung to cease to officiate as Enrolled Officer, Class IV, and to officiate as Enrolled Officer, Class V.

Mr. R. C. Chapman to continue to officiate as Enrolled Officer, Class IV, during Mr. Dobbie's absence on privilege leave.

D. BARBOUR,

*Secretary to the Government of India.*

**MILITARY DEPARTMENT.**

*Simla, the 10th September, 1886.*

**APPOINTMENTS.**

**BURMA FIELD FORCE.**

**No. 601.**—In continuation of G. G. O. No. 582 of 1886, the following appointments are made in the Burma Field Force:—

Colonel W. Carey, R.A., to command the Artillery.

Captain G. M. Haggard, R.A., to be Brigade-Major of Artillery.

**No. 602.**—The undermentioned officers have been appointed to the Burma Field Force for special service:—

Captain E. B. J. Vaughan, 6th Punjab Infantry, Punjab Frontier Force.

Captain F. M. Rundall, 9th Bengal Infantry.

Captain G. N. Mayne, King's Own Borderers.

Lieutenant E. D. Pickard-Cambridge, Bedfordshire Regiment.

Lieutenant H. L. Custance, 2nd Goorkha Regiment.

Lieutenant P. A. N. St. L. Wood, 28th Bombay Infantry.

Lieutenant G. H. Arbuthnot, 3rd Madras Light Cavalry.

Lieutenant E. B. Hawkes, Royal Sussex Regiment.

Lieutenant S. Willcock, Gloucestershire Regiment.

**No. 603.—COMMISSARIAT DEPARTMENT, TRANSPORT BRANCH—**

The undermentioned officers are appointed Sub-Assistant Commissaries-General for Transport, 2nd Class, temporarily, for service in Burma:—

Major J. T. Cummins, Madras S. C., 4th Cavalry, Hyderabad Contingent.

Captain H. R. Saunders, West Riding Regiment.

Lieutenant F. A. Wilkinson, Royal Fusiliers.

Lieutenant G. P. Ranken, Wing Officer, 24th Bengal Infantry.

**No. 604.—QUARTERMASTER GENERAL'S DEPARTMENT—**

Colonel H. Collett, C.B., Bengal S. C., Deputy Adjutant General, to officiate as Quartermaster-General in India, *vice* Major-General E. F. Chapman, C.B., Aide-de-camp to the Queen, on furlough. Dated 4th September, 1886.

### No. 605.—ADJUTANT-GENERAL'S DEPARTMENT—

Colonel P. H. F. Harris, Bengal S. C., Commandant, Administrative Battalion, Presidency Volunteers, to officiate as Deputy Adjutant-General, *vice* Colonel H. Collett, C.B. Dated 4th September, 1886.

### No. 606.—HYDERABAD CONTINGENT— 1st Cavalry.

Surgeon C. Mallins, M.B., Medical Officer, 1st Infantry, to be Medical Officer, *vice* Brigade-Surgeon G. D. Riddell, whose services have been replaced at the disposal of the Government of Madras. Dated 10th September, 1886.

1st Infantry.  
Surgeon F. J. Doyle, officiating Medical Officer, 3rd Infantry, to be Medical Officer, *vice* Surgeon C. Mallins. Dated 10th September, 1886.

### No. 607.—PERSONAL STAFF—

In continuation of G. G. O. No. 152 of 1886, the following appointment has been made on the personal staff of His Excellency the Commander-in-Chief in India:—

Captain and Brevet-Major I. S. M. Hamilton, Gordon Highlanders, to be Aide-de-Camp. Dated 9th March, 1886.

### FURLOUGH AND LEAVE.

No. 608.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Lieutenant H. H. F. Fagan, Bengal S. C., 10th (The Duke of Cambridge's Own) Bengal Lancers, (p. a.) for one year. (This cancels the furlough granted to him in G. G. O. No. 314 of 1886.)—Pension service,—eight years and ten days.  
Surgeon J. G. Hancock, 5th Punjab Cavalry, Punjab Frontier Force, (m. c.) for 182 days.—Pension service,—nine years and sixty-eight days.

No. 609.—Major L. T. Bishop, Bengal S. C., 2nd Punjab Cavalry, Punjab Frontier Force, is granted leave in and out of India (m. c.) for one year, under the leave rules for the Staff Corps, with effect from the date of his being struck off duty.—Pension service,—twenty years and 192 days.

No. 610.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel C. A. Baylay, Bengal S. C., (m. c.) for two months.  
Major J. B. Watts, Bengal S. C., (m. c.) for two months.  
Captain A. W. Brooke, Bengal S. C., (m. c.) for three months.  
Sub-Assistant Apothecary J. Morton, (m. c.) for six months.  
Sub-Conductor S. Craig, Commissariat Department, (m. c.) for two months.

### LONDON GAZETTE.

No. 611.—The following extract is published for general information:—

"*London Gazette*," dated the 10th August, 1886, page 3856.

"WAR OFFICE;

*Pall Mall*, 10th August, 1886.

### MEMORANDA.

#### INDIAN STAFF CORPS.

The undermentioned Colonels have been transferred to the Unemployed Supernumerary List:—

Lionel Chase Barton, Bombay. Dated 24th July, 1886.

Octavius Ludlow Smith, Bengal. Dated 30th July, 1886.

### PENSIONS.

No. 612.—First Grade Assistant-Apothecary William Hutton is transferred to the pension establishment.

No. 613.—Sergeant George William Harvey, late Bazar Sergeant at Agra, is admitted to a pension of 2s. 11½d. per day, with effect from the date on which he ceased to receive effective pay.

### PROMOTIONS.

No. 614.—The following promotions are made, subject to Her Majesty's approval:—

*To be Colonel in the Army.*

Lieutenant-Colonel Lacy Bowring Bance, Madras S. C.,—10th September, 1886.

#### BENGAL STAFF CORPS.

*To be Lieutenant-Colonel.*

Major and Brevet-Lieutenant-Colonel\* George Robert James Shakespear,—7th September, 1886.

*Lieutenants to be Captains. Dated 10th September 1886.*

Edward William Fane Martin.  
Arthur Arnold Barrett.  
Hugh Roddam Tate.  
Howard Goad.  
John Eccles Nixon.  
John Mark Anthony Retallick.  
James Alexander Bell.  
Eaton Aylmer Travers.  
Cecil Barry Brownlow.  
George Augustus Williams.  
Walter Cook.  
Alan Coddington Batten.  
Ernest William Cunliffe.  
Laurence Julius Elliott Bradshaw.

#### INDIAN ARMY.

*To be Lieutenant-Colonel.*

Major William Ironside Bax, General List, Infantry—4th September, 1886.

### No. 615.—NATIVE ARMY—

*7th Bengal Cavalry.*

Ressaidar Ali Khan to be Ressaidar, Jemadar Ahmad Ali to be Ressaidar, and Duffadar Kalandar Khan to be Jemadar, *vice* Ressaidar Ghulam Ali, invalided,—with effect from the 25th May, 1886.

**No. 616.—PUNJAB FRONTIER FORCE—**  
*2nd Punjab Infantry.*

Havildar Chét Singh to be Jemadar, *vice* Jemadar Silbahn Singh, transferred to the Burma Police,—with effect from the 14th May, 1886.

**RETIREMENTS.**

**No. 617.**—Colonel Charles James Hughes, Bengal S. C., is permitted to retire from the service, with effect from the 26th September, 1886, subject to Her Majesty's approval.

**REWARDS.**

**ORDER OF MERIT.**

**No. 618.**—The Governor-General in Council is pleased to admit Subadar Mahomed Dawood,

2nd Madras Lancers, to the 3rd Class of the Order of Merit, for an act of conspicuous gallantry at Lethingie, Burma, on the 2nd January, 1886, in saving the life of a British soldier, who was at the time disarmed and attacked by two of the enemy.

**No. 619.**—The Governor-General in Council is pleased to admit No. 312, Havildar Sripal Singh, 4th Bengal Infantry, to the 3rd Class of the Order of Merit, for conspicuous gallantry in leading a charge, at a critical time, at the action at Poottha, Upper Burma, on the 1st February, 1886.

O. R. NEWMARCH, *Major-General,*  
*Secretary to the Government of India.*

**MILITARY DEPARTMENT.**

**NOTIFICATION.**

*Simla, the 10th September, 1886.*

*Statement of Deposits on account of Estates between the 7th August and the 10th September, 1886.*

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Thomas Joseph Willans ...	Major	Royal Engineers	4th July, 1886	Will left	Rs. A. P. 2,646 13 5	...	10th November, 1886.

*Executors.—Brother.*—W. H. Willans, Esq., care of Messrs. Cox and Co., London, and Dr. E. G. Butler, brother-in-law, 147, Cromwell Road, South Kensington, London.

*Executrix.*—Mrs. F. Willans, care of Dr. Butler, 147, Cromwell Road, South Kensington, London.

O. R. NEWMARCH, *Major-General,*  
*Secretary to the Government of India.*

**PUBLIC WORKS DEPARTMENT.**

**NOTIFICATIONS.**

*Simla, the 6th September, 1886.*

**No. 226.**—Honorary Lieutenant W. Marr, Assistant Engineer, 3rd Grade, Burma, is promoted to Assistant Engineer, 2nd Grade, with effect from 1st March, 1886.

*The 7th September, 1886.*

**No. 227.**—With the concurrence of the Bombay Government, the Senior Deputy Consulting Engineer for Railways, Bombay, is, as a temporary arrangement and until further orders, invested with the powers of a Consulting Engineer for Railways in respect to the system of

Railways belonging to or worked by the Bombay, Baroda and Central India Railway Company.

**No. 228.**—With reference to Notification No. 227 of this date, the Governor-General in Council is pleased to appoint the Senior Deputy Consulting Engineer for Railways at Bombay while holding such powers to be an Inspecting Officer under Section 5A of Act IV of 1879 as amended by Act IV of 1883 in respect to the system of Railways administered by the Bombay, Baroda and Central India Railway Company.

W. S. TREVOR, *Colonel, R.E.,*  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 38.

SIMLA, SATURDAY, SEPTEMBER 18, 1886.

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The Civil Procedure Code Amendment Bill.

SUPPLEMENT No. 38.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*Simla, the 16th September, 1886.*

No. 14.—The Governor-General under the authority vested in him by the Statute 24 and 25 Vic., Cap. 67, Section 10, has been pleased to reappoint the Hon'ble Babu Peari Mohan Mukerji to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations, with effect from the 12th instant.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

### HOME DEPARTMENT.

#### NOTIFICATIONS—JUDICIAL.

*Simla, the 16th September, 1886.*

No. 1374.—The services of Mr. J. P. Grant, Civil Service, are replaced at the disposal of the Government of Bengal, with effect from the 15th instant.

### PORT BLAIR.

*The 13th September, 1886.*

No. 626.—Mr. M. V. Portman, Extra Assistant Superintendent, 1st Class, Port Blair and the Nicobars, is granted furlough for one year, with effect from 1st November, 1886, or any subsequent date on which he may avail himself of it.

*The 16th September, 1886.*

No. 633.—Colonel T. Cadell, V.C., Chief Commissioner of the Andaman and Nicobar Islands and Superintendent of Port Blair and the Nicobars, is granted privilege leave of absence for a period of three months, with effect from the 5th November, 1886, or any subsequent date on which he may avail himself of it.

Lieutenant-Colonel R. J. Wimberley, Deputy Superintendent of Port Blair and the Nicobars, to officiate as Chief Commissioner of the Andaman and Nicobar Islands and Superintendent of Port Blair and the Nicobars, during the absence of Colonel Cadell on leave, or until further orders.

### EDUCATION.

*The 17th September, 1886.*

No. 332.—Appointment.—Mr. Vishnu Morshwar Mahajani, M.A., officiating Head Master of the Akola High School, to be Educational Inspector, Hyderabad Assigned Districts, *vice* Mr. Bajaba Ramchandra Pradhan, deceased.

## PATENTS.

*The 13th September, 1886.*

No. 1140.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 129 of 1886.—Arthur Ross Wilson, Associate Member of the Institute of Civil Engineers of London, at present residing at Balawalee, Bijour District, in the North-West Provinces of India, for the dredging and excavating of sand, stones and other material out of harbours, rivers, wells, or other foundations of bridges, dock-walls and other works.

No. 144 of 1886.—William Knowles, of Hartford Mill, Great Lever, and Round Hill Mills, Bolton, both in the County of Lancaster, England, for automatically opening and closing drain taps or valves employed in cylinders of steam engines.

No. 150 of 1886.—William Tosh, British Engineer, at present residing at the Great Western Hotel, Bombay, but ordinarily residing at Glasgow in Scotland, for packing for the stuffing boxes of Piston Rods and of other Rods requiring packing of a similar nature.

No. 153 of 1886.—John Glass Sandeman, Gentleman, and Percival Everitt, Engineer, both of London, England, for improved apparatus for delivering prepaid goods.

• A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 13th September, 1886.*

No. 1804 G.—Colonel H. M. B. Burlton, lately officiating Cantonment Magistrate, Neemuch, is granted special leave on urgent private affairs, with effect from the 4th July to the 30th November, 1886, under Sections 2 and 78 of the Civil Leave Code.

No. 1807 G.—Major A. H. S. Neill, Second-in-Command, 2nd Regiment, Central India Horse, is appointed to officiate as Political Agent, Western Malwa, in addition to his other duties, during the absence on one month's privilege leave, of Colonel C. Martin, C.B., or until further orders.

*The 16th September, 1886.*

No. 1815 G.—The following Extract from Force Orders, issued on the 20th August, 1886,

by Colonel F. W. Boileau, Commandant of the Deoli Irregular Force, is confirmed:—

Lieutenant G. S. Jones, officiating Adjutant, officiates as Second-in-Command and Squadron Officer, *vice* Lieutenant-Colonel Greenfield, proceeded on furlough, from this date, in addition to his own duties.

No. 1817 G.—The following Extract from Regimental Orders, issued on the 24th August, 1886, by Major O'M. Creagh, V.C., Commandant of the Merwara Battalion, is confirmed:—

Lieutenant J. A. Bell, officiating Second-in-Command, having this day reported his departure to join the Deoli Irregular Force as Second-in-Command, agreeably to *Gazette of India*, Part I, Foreign Department Notification, No. 1655 G., dated 19th August, 1886, Lieutenant G. H. J. Moore will perform the duties of Second-in-Command, in addition to his own, or until the arrival of Captain Collins.

*The 17th September, 1886.*

No. 1827 G.—Mr. E. G. Colvin, C. S., Political Assistant of the 2nd Class, sub. *pro tem.*, is appointed to be First Assistant to the Governor-General's Agent in Rajputana.

*The 16th September, 1886.*

No. 3329 I.—In continuation of Foreign Department Notification No. 4070 I., dated the 15th December, 1885, the Governor-General in Council is pleased to extend the provisions of Act II of 1885 (An Act to amend the Negotiable Instruments Act, 1881) to the Civil and Military Station of Bangalore.

No. 3331 I.—Under the provisions of Section 138 of the Negotiable Instruments Act, XXVI of 1881 (as amended by Act II of 1885), the Governor-General in Council is pleased to appoint the undermentioned persons to perform the functions of Notaries Public under that Act within the limits of the Civil and Military Station of Bangalore:—

Mr. G. Madden, Agent, Bank of Madras, Bangalore.

Mr. J. W. Hayes, (Senior) Advocate, Bangalore.

*The 17th September, 1886.*

No. 3358 I.—The Governor-General in Council is pleased to extend the Prisoners' Act Amendment Act, IX of 1882, to the Hyderabad Assigned Districts, with effect from the 1st January, 1883, subject to the following modifications:—

In Section 1, for "British India," read "Hyderabad Assigned Districts."

In Section 2, for "British India," read "Hyderabad Assigned Districts," and "Local Government," in both places in which those words occur, read "Resident at Hyderabad."

No. 3360 I.—(1) Under Section 33 of the Prisoners' Act, V of 1871, as modified by the Prisoners' Act Amendment Act, IX of 1882, and as extended to the Hyderabad Assigned Districts, the Governor-General in Council is pleased to appoint the Central Jail at Akola to be the place to which prisoners sentenced in the districts to transportation shall be sent.

(2) This Notification shall be deemed to have had effect from the 1st January, 1883.

**No. 3352 I.**—The Governor-General in Council is pleased to extend the Prisoners' Act, V of 1871, as amended by Acts IX of 1882 and X of 1886, Section 25, and so far as it may be applicable, to the Cantonment of Secunderabad, with effect from the 1st January, 1883.

**No. 3364 I.**—(1) Under Section 33 of the Prisoners' Act, V of 1871, as modified by the

Prisoners' Act Amendment Act, IX of 1882, and as extended to the Cantonment of Secunderabad, the Governor-General in Council is pleased to appoint the Central Jail at Akola to be a place to which prisoners sentenced in the Cantonment of Secunderabad to transportation shall be sent.

(2) This Notification shall be deemed to have had effect from the 1st January, 1883.

*The 17th September, 1886.*

**No. 2164 E.**—The following Treaty of Friendship, Commerce, and Navigation between Her Majesty and the Republic of the Equator is published for general information:—

### TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN HER MAJESTY AND THE REPUBLIC OF THE EQUATOR.

SIGNED AT QUITO, OCTOBER 18, 1880.

[Ratifications exchanged at Quito, February 19, 1886.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of the Equator, being desirous of extending and facilitating the relations of commerce between their respective territories and subjects and citizens, have resolved to conclude a Treaty for that purpose, and have named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,—Frederic Douglas Hamilton, Esquire, Her Minister Resident to the Republic of the Equator;

And his Excellency the President of the Republic of the Equator,—General Cornelio E. Vernaza, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

#### ARTICLE I.

There shall be perpetual friendship between the dominions and subjects of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and the Republic of the Equator and its citizens.

#### ARTICLE II.

There shall be between all the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects and citizens of each of the two Contracting Parties, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which other foreigners are, or may be, permitted to come, and shall, throughout the whole extent of the dominions and possessions of the other, enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation which are or may be enjoyed by native subjects or citizens generally.

#### ARTICLE III.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article the produce or manufacture of the dominions and possessions of the Republic of the Equator,

Su Majestad la Reina dei Reino Unido de la Gran Bretana é Irlanda, y la República del Ecuador, deseando extender y facilitar las relaciones de comercio entre sus respectivos territorios y súbditos y ciudadanos, han resuelto concluir un Tratado para aquel efecto, y han nombrado como sus respectivos Plenipotenciarios, á saber:

Su Majestad la Reina del Reino Unido de la Gran Bretana é Irlanda, al Señor Federico Douglas Hamilton, Escudero, su Ministro Residente en la República del Ecuador; y

Su Excelencia el Presidente de la República del Ecuador, al Señor General Cornelio E. Vernaza, Ministro de Relaciones Exteriores;

Quienes, después de comunicarse sus respectivos plenos poderes, hallándolos en buena y debida forma, han convenido y concluido los siguientes Artículos:—

#### ARTICULO I.

Habrà perfecta amistad entre la República del Ecuador y sus ciudadanos y los dominios y súbditos de Su Majestad la Reina del Reino Unido de la Gran Bretana é Irlanda, sus herederos y sucesores.

#### ARTICULO II.

Habrà entre todos los dominios y posesiones de las dos Altas Partes Contratantes recíproca libertad de comercio y navegacion. Los ciudadanos y súbditos de cada una de las Partes Contratantes respectivamente tendrán libertad para entrar libre y seguramente con sus buques y cargamentos á todos los parajes, puertos y rios de las posesiones y dominios de la otra, á los cuales se permite ó se permitiere entràr á otros extranjeros, y gozarán en toda la extension de las posesiones y dominios antedichos, en materia de comercio y navegacion, de los mismos derechos, privilegios, libertades, favores, inmunidades, exenciones que generalmente gozan ó gozaren los nacionales.

#### ARTICULO III.

No se impondrán otros ó mas altos derechos á la importacion en los dominios y posesiones de la República del Ecuador de cualesquiera artículos naturales ó manufacturados de los dominios y posesiones de Su Majestad Británica,

from whatever place arriving, and no other or higher duties shall be imposed on the importation into the dominions and possessions of the Republic of the Equator of any article the produce or manufacture of Her Britannic Majesty's dominions and possessions, from whatever place arriving, than are or shall be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the two Contracting Parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

#### ARTICLE IV.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the Contracting Parties on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

#### ARTICLE V.

Goods, in respect of which import duties shall have been paid upon the importation thereof by a subject or citizen of either country at a port of the United Kingdom or the Republic of the Equator, shall not be liable to the payment of any further import duty, in the event of such goods being conveyed by sea to any other port of the United Kingdom or Republic; provided, always, that both in the United Kingdom and in the Republic of the Equator such reshipments shall have been made in conformity with the laws of the two countries respectively for the regulation of the coasting trade.

#### ARTICLE VI.

Equality of treatment in regard to warehousing and to the transit trade, and also in regard to bounties, facilities, and drawbacks, shall be enjoyed by the subjects and citizens of the High Contracting Parties reciprocally.

#### ARTICLE VII.

All articles the produce or manufacture of the dominions and possessions of either of the Contracting Parties, or of any other country, which are or may be legally importable into the ports of the dominions and possessions of Her Britannic Majesty in British vessels, may likewise be imported into those ports in Equatorian vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in British vessels; and, reciprocally, all articles

de cualquier paraje que llegaren, que los que se pagan ó pagaren por semejantes artículos, cuando sean productos naturales ó manufacturados de cualquier otro país extranjero; ni se impondrán otros ó mas altos derechos á la importacion en los dominios y posesiones de Su Majestad Británica, de cualesquiera artículos naturales ó manufacturados de los dominios y posesiones de la República del Ecuador, de cualquier paraje que llegaren, que los que pagan ó pagaren por semejantes artículos cuando sean productos naturales ó manufacturados de cualquier otro país extranjero; ni se impondrá prohibicion alguna á la importacion de los productos naturales ó manufacturados de los dominios y posesiones de una de las dos Partes Contratantes en los dominios y posesiones de la otra, que no se extiendan á la importacion de iguales artículos cuando sean productos naturales ó manufacturados de cualquiera otro país.

#### ARTICULO IV.

No se impondrán otros ó mas altos derechos ó impuestos en los dominios y posesiones de cualquiera de las Partes Contratantes, á la exportacion de cualesquiera artículos para los dominios y posesiones de la otra, que los que pagan ó pagaren por la exportacion de iguales artículos para cualquier otro país extranjero; ni se impondrá prohibicion alguna á la exportacion de cualesquiera artículos de los dominios y posesiones de cualquiera de las dos Partes Contratantes á los dominios y posesiones de la otra que no se extiendan igualmente á la exportacion de iguales artículos para cualquiera otra nacion.

#### ARTÍCULO V.

Las mercaderías respecto de las cuales se hubiesen pagado derechos de entrada sobre su importacion por un súbdito ó ciudadano de cualquier país en un puerto del Reino Unido ó de la República del Ecuador, no estarán sujetas al pago de otro derecho de entrada, en el caso de que tales mercaderías se conduzcan por mar á cualquier otro puerto de la República ó del Reino Unido; siempre que, tanto en la República del Ecuador como en el Reino Unido, se hubiesen hecho los reembarques en conformidad de las leyes que respectivamente hubiesen dado los dos países para el arreglo del comercio de cabotaje.

#### ARTICULO VI.

Los ciudadanos y súbditos de las dos Altas Partes Contratantes gozarán de recíproca igualdad de trato en lo concerniente al depósito de mercaderías y al comercio de tránsito, y tambien en lo relativo á franquicias, abonos y descuentos de derechos de aduana.

#### ARTICULO VII.

Todos los artículos naturales ó manufacturados de los dominios y posesiones de cualquiera de las Partes Contratantes ó de cualquier otro país que sean ó llegaren á ser legalmente importables en los puertos de los dominios y posesiones de la República del Ecuador en buques Ecuatorianos, podrán importarse tambien en dichos puertos en buques Británicos, sin que estén sujetos á otros ó mas altos derechos ó impuestos de cualquiera denominacion que los que se pagan ó pagaren por tales

the produce or manufacture of the dominions and possessions of either of the Contracting Parties, or of any other country, which are or may be legally importable into the ports of the dominions and possessions of the Republic of the Equator in Equatorian vessels, may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Equatorian vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation; so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the High Contracting Parties, on the exportation of any article which is or may be legally exportable therefrom, without distinction whether such exportation shall take place in British or in Equatorian vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

#### ARTICLE VIII.

No duties of tonnage, harbour, pilotage, light-house, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country which shall not equally and under the same conditions be imposed in the like cases on the vessels of other nations.

Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

#### ARTICLE IX.

It being understood that the general liberty of commercial communication conceded by both Contracting Parties to one another by the preceding Articles Nos. V, VI, and VII, shall in no way extend to the coasting trade of the two respective nations.

#### ARTICLE X.

In all that regards the stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, the same privileges and immunities shall be conceded which have been conceded to the most-favoured nation.

#### ARTICLE XI.

All vessels which according to British law are to be deemed British vessels, and all vessels which according to Equatorian law are to be deemed Equatorian vessels, shall, for the purposes of this Treaty, be deemed British and Equatorian vessel respectively.

artículos siendo importados en buques Ecuatorianos; y reciprocamente los artículos naturales ó manufacturados de los dominios y posesiones de cualesquiera de las Partes Contratantes, ó de cualquiera otro país, que sean ó llegaren á ser legalmente importables en los puertos de los dominios y posesiones de Su Majestad Británica en buques Británicos podrán importarse también en dichos puertos en buques Ecuatorianos, sin que estén sujetos á otros ni mas altos derechos ó impuestos de cualquiera denominacion que los que se pagan ó pagaren por tales artículos importados en buques Británicos. Esta reciproca igualdad de trato se efectuará sin distincion, sea que tales artículos vayan directamente del lugar de su origen ó de cualquier otro.

Habrá, de la misma manera, perfecta igualdad de trato respecto de la exportacion; de suerte que se pagarán los mismos derechos y se permitirán las mismas franquicias y descuentos en los dominios y posesiones de las dos Altas Partes Contratantes por la exportacion de cualesquiera artículos que sean ó llegaren á ser legalmente exportables en los dichos dominios y posesiones sin distincion, sea que la exportacion se haga en buques Ecuatorianos ó Británicos, y cualquiera que sea el lugar del destino, esto es, que sea un puerto de cualquiera de las Partes Contratantes ó de una tercera Potencia.

#### ARTICULO VIII.

Ningun derecho de tonelada, puerto, pilotaje, faro, cuarentena ú otros correspondientes á semejantes derechos de cualquiera naturaleza, bajo cualquiera denominacion que se exijan á nombre ó en beneficio de los funcionarios públicos, individuos particulares, corporaciones de cualquiera especie, se impondrán en los puertos de los dominios y posesiones de una de las dos partes sobre los buques del otro país, que no se impongan igualmente y bajo las mismas condiciones, en casos semejantes á los buques de otras naciones.

Tal igualdad de trato se aplicará reciprocamente á los respectivos buques, de cualquiera puerto o paraje que arribaren, y sea cualquiera el lugar del destino.

#### ARTICULO IX.

Estando entendido que la libertad general de comunicacion comercial concedida por ambas Partes Contratantes de la una á la otra por los precedentes Artículos V, VI, VII, no se estenderá por ninguna parte al cabotaje de las dos respectivas naciones.

#### ARTICULO X.

En todo lo concerniente á la parada, carga y descarga de buques en los puertos, bahias, digues, surtideros ó rios de los dominios y posesiones de los dos países, se concederán los mismos privilegios é inmunidades que se hayan concedido á la nacion mas favorecida.

#### ARTICULO XI.

Todos los buques que segun las leyes Ecuatorianas deben ser considerados como buques Ecuatorianos, y todos los buques que segun las leyes Británicas deben ser considerados como buques Británicos, serán considerados como buques Ecuatorianos ó Británicos respectivamente para los efectos de este Tratado.

## ARTICLE XII.

The High Contracting Parties agree that in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the trade of each country shall be placed in all respects by the other on the footing of the most-favoured nation.

## ARTICLE XIII.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as native subjects or citizens in regard to trade-marks and designs of every description applicable to articles of manufacture.

## ARTICLE XIV.

It shall be free for each of the two High Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents, to reside in the towns and ports of the dominions and possessions of the other.

Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted, in the usual form, by the Government to which they are sent.

They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or shall be, granted there to Consuls of the most favoured nation.

## ARTICLE XV.

The subjects or citizens of each of the two High Contracting Parties, conforming themselves to the laws of the country—

1. Shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party.

2. They shall be permitted to hire or possess the houses, manufactories, ware-houses, shops, and premises, which may be necessary for them.

3. They may carry on their commerce by wholesale or retail, either in person or by any agents whom they may think fit to employ.

4. They shall not be subject, in respect of their persons or property, or in respect of passports, licences, for residence or establishment, nor in respect of their commerce or industry, to any taxes, whether general or local, nor to imposts or obligations of any kind whatever, other or greater than those which are or shall be imposed upon native subjects.

## ARTICLE XVI.

The citizens of the Equator shall enjoy in all the dominions and possessions of Her Britannic Majesty complete and unlimited liberty of conscience, and shall exercise their religion publicly or privately in their own dwelling-houses, or in the chapels or places of worship, appointed for that purpose in conformity with the system of toleration established in the dominions and possessions of Her Britannic Majesty.

## ARTICULO XII.

Las Altas Partes Contratantes convienen en que en todas las materias relativas al comercio y navegacion, cualquier privilegio, favor ó inmunidad que una de las dos Partes Contratantes ha concedido en la actualidad ó pueda conceder en adelante á los ciudadanos ó súbditos de cualquier otro Estado, se extenderán inmediatamente y sin condicion á los ciudadanos ó súbditos de la otra Parte Contratante; siendo su intencion que el comercio de cada una de los dos paises se pondrá, en todos respectos, como él de la nacion mas favorecida.

## ARTICULO XIII.

Los ciudadanos ó súbditos de cada una de las Partes Contratantes tendrán en los dominios y posesiones de la otra los mismos derechos que los nacionales respecto á las marcas de comercio, diseños de todo género aplicables á los artículos de manufactura.

## ARTICULO XIV.

Será libre á cada una de las Altas Partes Contratantes el nombrar Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares, que residan en las ciudades y puertos de los dominios y posesiones de la otra.

Sin embargo, tales Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares no entrarán al ejercicio de sus funciones mientras no hubieren sido aprobados y admitidos en la forma acostumbrada por el Gobierno al cual feuren enviados.

Los enunciados funcionarios ejercerán todas sus funciones y gozarán de todos los privilegios, exenciones, é inmunidades que esten concedidas ó que se concedieren á los Cónsules de la nacion mas favorecida.

## ARTICULO XV.

Los ciudadanos ó súbditos de las dos Partes Contratantes, conformándose á las leyes del pais—

1. Tendrán plena libertad, lo mismo que sus familias, para entrar, viajar, ó residir en cualquiera parte de los dominios y posesiones de la otra Parte Contratante.

2. Se les permitirá alquilar, ocupar las casas, manufactorias, almacenes, tiendas, y posesiones que puedan ser les necesarios.

3. Podrán ejercer su comercio por mayor ó menor, ya sea por sí ó por medio de cualesquiera agentes que crean conveniente emplear.

4. No estarán sujetos respecto de sus personas ó propiedades, ó respecto de pasaportes, licencias para residencia ó establecimiento, ni respecto de su comercio ó industria, á contribuciones algunas, sean generales ó locales, ni á impuestos ó cargas de cualquiera naturaleza, mas altas que las que paguen ó pagaren los nacionales.

## ARTICULO XVI.

Los ciudadanos del Ecuador gozarán en todos los dominios y posesiones de Su Majestad Británica de una perfecta é ilimitada libertad de conciencia, y ejer citarán su religion, pública ó privadamente, dentro de sus casas particulares ó en las capillas ó lugares del culto destinados para aquel objeto, conforme al sistema de tolerancia establecido en los dominios y posesiones de Su Majestad Británica.

The subjects of Her Britannic Majesty residing in the dominions and possessions of the Equator shall enjoy the most perfect and entire security of conscience, without being annoyed or disturbed on account of their religious belief, provided that this takes place with the decorum due to Divine worship, and with due respect to the established laws, usages, and customs.

They shall have entire liberty to bury their dead, in accordance with the religious ceremonies practised in their country, in the sepulchres and cemeteries already established, or which may be hereafter established and appointed for that purpose, and the sepulchres of the dead, in conformity with the old and existing practice, shall not be profaned in any wise nor upon any account; subjecting themselves, however, with regard to the places of burial, to the laws for the preservation of public health which are or may be in vigour in the Equator.

#### ARTICLE XVII.

The subjects and citizens of each of the two High Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, or national guard, or militia. They shall be equally exempted from all judicial and municipal charges and functions whatever, as well as from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service; and, finally, from forced loans and military exactions or requisitions.

In regard, however, to judicial and municipal charges and functions, those shall be excepted which are consequent upon the possession of real property or of a lease; and in regard to military exactions and requisitions, those which all subjects of the country are or shall be liable to as landed proprietors, or as farmers, or as tenants or occupiers of public-houses, or houses of a similar character.

#### ARTICLE XVIII.

The subjects and citizens of each of the two Contracting Parties in the dominions and possessions of the other shall be at full liberty to acquire, possess, and dispose of every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to acquire and possess. They may acquire and dispose of the same, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner, under the same conditions as are established by the laws of the country for all foreigners. Their heirs and representatives may succeed to and take possession of such property, either in person or by agents acting on their behalf, in the same manner and in the same legal forms as subjects or citizens of the country. In the absence of heirs and representatives the property shall be treated in the same manner as the like property belonging to a subject of the country under similar circumstances.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge, than is payable by subjects of the country. In every case the subjects and citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely, and without being

Los súbditos de Su Majestad Británica residentes en los dominios y posesiones del Ecuador gozarán de la mas perfecta y entera seguridad de conciencia, sin quedar por ello espuestos á ser molestados, inquietados, ni per turbados en razon de su creencia religiosa, contal que lo hagan con el decoro debido al culto divino, respetando las leyes, usos y costumbres establecidas.

Tendrán tambien plena libertad para enterrar á sus muertos en la manera y con las ceremonias acostumbradas en su pais y en las sepulturas y cementerios que se hallasen ó quedesen en adelante establecidos y preparados para tal objeto, y los sepulcros de los muertos, en conformidad á la práctica antigua y actual, no serán profanados de modo alguno ni por ningun motivo; sujetándose, sin embargo, por lo que hace á los lugares de entierro, á las leyes sobre preservacion de la salud pública que estén ó puedan estar vigentes en el Ecuador.

#### ARTICULO XVII.

Los ciudadanos ó súbditos de las dos Altas Partes Contratantes en los dominios y posesiones de la otra estarán exentos de todo servicio militar compulsorio de cualquiera naturaleza, sea en el ejército, marina, guardia nacional ó milicia. Estarán tambien exentos de todos los cargos y funciones judiciales ó municipales de cualquiera especie, como tambien de todas las contribuciones, sean pecuniarias ó en especie, impuestas como compensacion del servicio personal; y finalmente, de préstamos forzosos y exacciones y requisiciones militares.

Sin embargo, respecto de los cargos y funciones judiciales ó municipales, se exceptuan los que sean efecto de la posesion de bienes raíces ó de arrendamientos; y respecto de las exacciones y requisiciones militares, aquellos á que todos los nacionales estén ó estuvieren sujetos como propietarios de tierras ó como arrendatarios, ó como inquilinos, ú ocupantes de posadas ó de otras cosas semejantes.

#### ARTICULO XVIII.

Los ciudadanos y súbditos de cada una de las Partes Contratantes en los dominios y posesiones de la otra tendrán plena libertad para adquirir y poseer toda especie de propiedades que las leyes del pais permitan adquirir á los extranjeros de otra nacion cualquiera, sea por compra, donacion, cambio, matrimonio, testamento, sucesion *ab intestato*, ó de cualquiera otra manera, y dispondrán de ellas bajo las mismas condiciones establecidas por las leyes del pais para todos los extranjeros.

Sus herederos ó representantes pueden suceder en tales propiedades y tomar posesion de ellas, ya sea en persona ó por medio de agentes que obren en su favor en la misma manera y en las mismas formas legales que los nacionales. En falta de herederos y representantes, las propiedades se tratarán como las de un nacional en iguales circunstancias.

En ninguno de estas respectos pagarán por el valor de tales propiedades, otros ó mas altos impuestos, derechos ó gastos que los que pagan los nacionales. En todo caso se permitira á los ciudadanos y súbditos de las Partes Contratantes el que puedan exportar su propiedad ó los productos de ella si hubiese sido vendida,

subjected on such exportation to pay any duty as foreigners, or any other or higher duties than those to which subjects of the country are liable under similar circumstances.

If any subject or citizen of either of the two High Contracting Parties shall die without will or testament in any of the territories, dominions or settlements of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to nominate curators to take charge of the property of deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving proper notice of such nomination to the authorities of the country.

#### ARTICLE XIX.

The dwellings, manufactories, warehouses, and shops of the subjects and citizens of each of the two High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto, destined for purposes of residence or commerce, shall be respected. If there should be occasion to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, such measure shall be executed only in conformity with the legal warrant or order, in writing, of a Tribunal, or of the competent authority.

The subjects and citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights. They shall enjoy, in this respect, the same rights and privileges as subjects or citizens of the country, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions, according to the laws of the country.

#### ARTICLE XX.

Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather or by accident to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize, in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to their owners, or their agents, when claimed by them from the officers, British or Equatorian, as the case may be, who are by the laws or Government of their respective countries

libremente, y sin estar sujetos por tal exportación á pagar derecho alguno como extranjeros, ó cualesquiera otros ó mas altos derechos que aquellos á que estén sujetos los nacionales en circunstancias semejantes.

Si muriese algun ciudadano ó súbdito de las dos Altas Partes Contratantes, sin otorgar testamento en los dominios y posesiones de la otra, el Cónsul-General ó Cónsul de la nación á que perteneció el difunto, ó el representante del Cónsul-General ó Cónsul en su falta, tendrá derecho para nombrar curadores que se encarguen de las propiedades del fallecido, en cuanto lo permitan las leyes del país, en beneficio de los herederos legítimos y de los acreedores del difunto, dando noticia oportuna de tal nombramiento á las autoridades del país.

#### ARTICULO XIX.

Las habitaciones, manufactorias, almacenes y tiendas de los ciudadanos y súbditos de cada una de las Altas Partes Contratantes en los dominios y posesiones de la otra, y todos los predios pertenecientes á ellos destinados para residencia ó comercio, serán respetados. Si hubiera necesidad de registro ó de una visita domiciliaria en todas las habitaciones y posesiones, ó de examinar ó inspeccionar libros, papeles ó cuentas dichas medidas se ejecutarán en conformidad de la boleta ú orden legal dada por escrito por un Tribunal ó por la autoridad competente.

Los ciudadanos y súbditos de cada una de las dos Partes Contratantes en los dominios y posesiones de la otra tendrán libre acceso á las Cortes de Justicia para la prosecucion de sus causas y defenza de sus derechos, Gozarán en este respecto de los mismos derechos y privilegios que los nacionales, y tendrán tambien libertad para emplear en todas las causas á sus abogados, procuradores ó agentes de entre las personas admitidas al ejercicio de tales profesiones, segun las leyes del país.

#### ARTICULO XX.

Cualquier buque de guerra ó mercante de una de las dos Altas Partes Contratantes que hubiere sido compelido por causa de temporal ú otro accidente fortuito á refugiarse en un puerto de la otra, podrá ser libremente reparado en dicho puerto y provisto de lo necesario y largado otra vez al mar, sin pagar otros derechos que los que se paguen en casos semejantes por un buque nacional. Sin embargo si el comandante de un buque mercante se viese en la necesidad de disponer de una parte de sus mercaderías para atender á sus expensas, estará obligado á conformarse á las regulaciones y tarifas del lugar á que hubiese entrodado.

Si algun buque de guerra ó nave mercante de una de las Altas Partes Contratantes escollase ó naufragase en las costas de la otra, tal buque ó nave y todas sus partes y todo su moviliario y pertenencias, y todas las mercaderías que hubieren sido salvadas, incluyéndose las que hubiesen sido arrojadas al mar ó los productos de ellas, si hubiesen sido vendidas, como tambien los papeles encontrados á bordo de tales buques encallados ó naufragos, serán entregados á sus dueños ó á sus agentes, así que los reclamen de los empleados Ecuatorianos ó Británicos, segun el caso, quienes están por las leyes y Gobiernos de los respectivos países encargados

entrusted with the protection, preservation, and custody of shipwrecked property; and if there are no such owners or agents on the spot, then the same shall be delivered by the above-named officers to the British or Equatorian Consul-General, Consul, or Vice-Consul, in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents, shall pay only the expenses incurred in the preservation of the property, together with the salvage, or other expenses, which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of water, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master, or other agent of the owner, is not present, or is present and requires it, be authorized to interpose, in order to afford the necessary assistance to their fellow-countrymen.

#### ARTICLE XXI.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the merchant-vessels of their respective countries.

#### ARTICLE XXII.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the Equator, it is agreed that, if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the two Contracting Parties residing upon the coast shall be allowed six months, and those residing in the interior a year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they shall themselves select. All subjects or citizens of either of the two Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws: and their goods and effects, of whatever description they may be, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens. In the same case, debts between individuals, public funds, and the shares of

de la proteccion, preservacion, y custodia de la propiedad naufragada. Y si no estuviesen en el lugar los tales dueños ó agentes, la entrega se hará por los supradichos empleados al Consul-General, Cónsul, ó Vice-Cónsul Ecuatoriano ó Británico, en cuyo distrito hubiese tenido lugar el naufragio ó baramiento, siendo reclamada dentro del plazo señalado por las leyes del país; y los tales Cónsules, dueños, ó agentes, pagarán solamente las expensas causadas en la preservacion de la propiedad, junto con el precio de salvamento ú otras expensas que hubiesen sido pagables en caso igual de naufragio de un buque nacional.

Los géneros y mercaderías salvados de naufragio estarán exentos de todo derecho de aduanas, á no ser que se hubieren despachado para él consumo, en cuyo caso pagarán los derechos correspondientes como si hubieran sido importados en el buque nacional.

En el caso en que un buque hubiese entrado en peligro por causa de temporal, ó que hubiese encallado ó naufragado, los respectivos Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares, estarán autorizados para interponer su autoridad, á fin de que se franquee á sus conciudadanos la asistencia necesaria, bien sea que el dueño ó comandante ú otro agente del dueño no esté presente, ó bien si estándolo, la solicita.

#### ARTICULO XXI.

Los Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares de una de las Altas Partes Contratantes, residentes en los dominios y posesiones de la otra, recibirán de las autoridades locales el auxilio que puedan darles por la ley para la recuperacion de desertores de los buques mercantes de sus respectivos países.

#### ARTICULO XXII.

Para la mejor seguridad del comercio entre los ciudadanos de la República del Ecuador y los súbditos de Su Majestad Británica, se ha convenido que si en algun tiempo, desgraciadamente, sucediere alguna interrupcion de la correspondencia comercial amistosa ó algun rompimiento entre las dos Altas Partes Contratantes, los ciudadanos ó súbditos de cualquiera de las Altas Partes Contratantes residentes en la costa tendrán seis meses para arreglar sus cuentas y disponer de su propiedad, y los que residen en el interior un año; y se les dará un salvoconducto para embarcarse en el puerto que ellos elijieren. Todos los ciudadanos ó súbditos de cualquiera de las dos Altas Partes Contratantes que estuvieren establecidos en los dominios ó territorios de la otra, en el ejercicio de algun tráfico ú ocupacion especial, tendrá el privilegio de permanecer allí y de continuar su tráfico ú ocupacion sin ninguna especie de interrupcion, en pleno goce de su libertad y propiedad, mientras se conduzcan pacíficamente y no cometan ofensa contra las leyes; y sus bienes ó efectos de cualquiera denominacion que sean, ya esten bajo su propiedad, custodia ó confiados á individuos particulares ó al Estado, no estarán sujetos á ocupacion ó secuestro, ni á ningunas otras cargas ó demandas que las que puedan hacerse sobre iguales efectos ó propiedades pertenecientes á los ciudadanos ó súbditos de la Potencia en que residan. En el mismo

companies, shall never be confiscated, sequestered, or detained.

#### ARTICLE XXIII.

The present Treaty of Commerce and Navigation, when ratified, shall be substituted for the Treaty of Friendship, Commerce, and Navigation concluded between the High Contracting Parties at Quito on the 3rd day of May, 1851. It shall remain in force for ten years from the date of the exchange of the ratifications, and further, until the expiration of twelve months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same, each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first nine years, or at any time afterwards.

#### ARTICLE XXIV.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Quito in eight months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Quito, the eighteenth day of October, in the year of our Lord one thousand eight hundred and eighty.

(L.S.) FRE<sup>c</sup>. DOUGLAS HAMILTON.  
(L.S.) CORNELIO E. VERNAZA.

#### Protocol.

Having met in the Ministry for Foreign Affairs of Ecuador, the Undersigned, Christian William Lawrence, Esq., Her Britannic Majesty's Minister Resident, and J. Modesto Espinosa, Minister for Foreign Affairs, authorized by their respective full powers, found in good and due form, in discussing the exchange of the ratifications of the Treaty of Friendship, Commerce, and Navigation, signed in Quito on the 18th of October, 1880, and approved by Her Britannic Majesty and by the Congress of Ecuador, have agreed to the present Protocol:

1. The stipulations of the aforesaid Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, with the exception of those hereinafter named, that is to say:

The Dominion of Canada,  
New South Wales,  
Victoria,  
Tasmania.

2. A paper shall be drawn up in which after comparing the English and Spanish texts, the errors which had been made in copying them shall be corrected.

In witness whereof the Undersigned have signed the present Protocol, and have thereto affixed their seals.

caso, las deudas entre particulares, las públicas, y las acciones de compañías no serán nunca confiscadas, secuestradas, ó detenidas.

#### ARTICULO XXIII.

El presente Tratado de Comercio y Navegación, despues de ratificado, reemplazará al Tratado de Amistad, Comercio y Navegación concluido en Quito, entre las Altas Partes Contratantes, el día 3 de Mayo, 1851. Permanecerá en vigor por diez años, contados desde la fecha del cange de las ratificaciones, y, además, hasta un año despues que cualquiera de las Partes Contratantes haya notificado a la otra su intencion de terminarlo, reservándose cada una de las Altas Partes Contratantes el derecho de hacer tal notificación a la otra, al espirar los primeros nueve años, ó en cualquier tiempo despues.

#### ARTICULO XXIV.

El presente Tratado será ratificado, y las ratificaciones serán cangeadas en la ciudad de Quito, en el termino de ochos meses contados desde esta fecha, ó ántes si fuere posible.

En testimonio de lo cual los respectivos Plenipotenciarios lo han firmado y sellado con sus sellos.

Fecho en la ciudad de Quito, el día diez y ocho de Octubre, del año de nostro Señor de mil ochocientos ochenta.

(L.S.) FRE<sup>c</sup>. DOUGLAS HAMILTON.  
(L.S.) CORNELIO E. VERNAZA.

#### Protocolo.

Reunidos en el Ministerio de Relaciones Exteriores del Ecuador, los Infrascritos, Christian W. Lawrence, Ministro Residente de Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, y J. Modesto Espinosa, Ministro de Relaciones Exteriores, autorizados por los respectivos plenos poderes, que han sido hallados en buena y debida forma, al tratar del cange de las ratificaciones del Tratado de Amistad, Comercio y Navegación firmado en Quito el día diez y ocho de Octubre de mil ochocientos ochenta, aprobado por Su Majestad Británica y por el Congreso Ecuatoriano del mismo año, han convenido en el presente Protocolo:—

1. Las estipulaciones del expresado Tratado se aplicarán a todas las Colonias y posesiones extranjeras de Su Majestad Británica, exceptuadas las que en seguida se mencionan, a saber:

El Dominio del Canadá,  
La Galia Nueva Del Sud,  
La Victoria,  
La Tasmania.

2. En extender una acta en la cual se corregirán, comparando los textos Ingles y Castellano, los yerros que se han cometido al copiarlos.

En fé de lo cual los Infrascritos han firmado y sellado el presente Protocolo.

Done at Quito, the seventeenth day of July,  
one thousand eight hundred and eighty-five.

(L.S.)

C. W. LAWRENCE.

Hecho en Quito, á diez y siete de Julio de mil  
ochocientos ochenta y cinco.

(L.S.)

J. MODESTO ESPINOSA.

*Protocol.*

On account of the disappearance from their respective archives of the Declaration signed on the 4th November, 1880, for the better understanding of the XVIth Article of the Treaty of Friendship and Commerce celebrated on the 18th October of the same year, the Undersigned, Plenipotentiaries of Her Britannic Majesty and of Ecuador, having ascertained the terms of said Declaration from official notes and a duly authorized copy, agree to ratify it, reproducing it in the following terms:—

"The Plenipotentiaries of Her Britannic Majesty and of Ecuador declare:

"That the usages, customs, and ceremonies referred to in the third paragraph of the XVIth Article of the Treaty made by them must be understood as applying solely to the interior of the cemeteries which British subjects possess or may acquire, that is to say, that said ceremonies shall not take place except within the walls of the Pantheons or places of burial."

(Signed)

"CORNELIO E. VERNAZA.

"FEDERICO DOUGLAS HAMILTON."

In witness whereof the present Protocol was signed in Quito on the 21st day of July, 1885.

(L.S.)

C. W. LAWRENCE.

(L.S.)

J. MODESTO ESPINOSA.

H. M. DURAND,

*Secretary to the Government of India.*DEPARTMENT OF FINANCE AND  
COMMERCE.

## NOTIFICATIONS.

## LEAVE AND APPOINTMENTS.

*Simla, the 16th September, 1886.*

No. 3180.—Mr. D. M. Barbour, Secretary to the Government of India in the Department of Finance and Commerce, having been deputed to Europe on special duty, and Mr. J. F. Finlay having been appointed to officiate for him temporarily, Mr. Barbour made over and Mr. Finlay received charge of the said appointment after noon on the 15th September, 1886.

## CODES.

*The 11th September, 1886.*

No. 3085.

## DEFINITIONS.

PAGES XIV, XV.

*Insert the following under the definition of "Rule of Proportions," after the Heading "Leave under the Rules in Chapters VI and X, Civil Leave Code":—*

"Leave under the Rules of 1886 published in Clause 51 of the India Army Circular of the 30th April, 1886.

All Leave—The whole pensionable service.

(NOTE.—In calculating the charge to be borne by a Foreign Body and the British Government, the period of service, and not the aggregate salary drawn, is taken into account.)

*The 14th September, 1886.*

No. 3121.

## CIVIL PENSION CODE.

PAGE 1.

## Section 1.

*Substitute the word "Commissioned" for "Covenanted" before "Medical Officers" in line 3 of this Section.*

## CIVIL LEAVE CODE.

PAGES 175, 176, AND 177.

## Section 79.

*Substitute the word "Commissioned" for "Covenanted" in line 2 of the Note under Rule 2, in line 2 of Rule 13, and in line 4 of Rule 14, under this Section.*

*The 16th September, 1886.*

No. 3173.

## CIVIL LEAVE CODE.

PAGE 164.

## Section 61.

## Rule 1.

*Add the following to this Rule:—*  
Furlough under Rules XI and XXV of the Military Furlough Rules of 1868 corresponds to special leave under this Section.

*The 17th September, 1886.*

No. 3237.

## CIVIL PENSION CODE.

## Erratum.

In the Notification by the Government of India in the Department of Finance and Commerce

No. 2693, dated the 23rd August, 1886, published at page 509 of the *Gazette of India* of the 28th idem, for "Tahsildars" read "Tahvildars."

### PAPER CURRENCY.

The 15th September, 1886.

No. 3202.—Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st August, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	5,60,32,500	1,72,60,237	8,73,973	1,81,34,210
Allahabad	77,38,140	89,02,085	...	89,02,085
Lahore	85,79,560	86,22,890	...	86,22,890
Bombay	4,66,59,330	2,01,28,464	37,08,501	2,38,36,965
Kurrachee	50,69,535	85,71,385	5,500	85,76,885
Madras	1,62,47,650	1,05,17,850	2,30,000	1,07,47,850
Calicut	15,02,520	14,32,280	22,500	14,54,780
Rangoon	26,15,625	41,74,215	...	41,74,215
Total	14,44,44,880	7,96,09,406	48,40,474	8,44,49,880
Price paid for Government Securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act				5,99,95,000
GRAND TOTAL				14,44,44,880

J. F. FINLAY,

Offg. Secretary to the Government of India.

### MILITARY DEPARTMENT.

Simla, the 17th September, 1886.

#### APPOINTMENTS.

#### No. 620.—MILITARY ACCOUNT DEPARTMENT—

Lieutenant W. W. V. Pakenham, Madras S. C., Wing Officer and officiating Adjutant, 10th Madras Infantry, to be an Assistant Military Accountant, on probation, with effect from the 6th September, 1886, *vice* Lieutenant-Colonel C. J. Durand, retired.

#### No. 621.—PERSONAL STAFF—

The following appointment has been made on the Personal Staff of His Excellency the Commander-in-Chief in India, with effect from the 23rd July, 1886:—

Lieutenant W. M. Sherston, 2nd Battalion, Rifle Brigade, to be Aide-de-Camp, *vice* Captain R. Owen, 21st Hussars, who relinquishes the appointment.

#### No. 622.—STAFF CORPS—

Lieutenant Havelock Hudson, Northamptonshire Regiment, Squadron Officer, 19th Bengal Lancers, is admitted to the Bengal Staff Corps from the 4th January, 1885, subject to the confirmation of the Secretary of State for India.

### FURLOUGH AND LEAVE.

No. 623.—The undermentioned officer is granted leave out of India under the Leave Rules for the Staff Corps, with effect from the date on which he is struck off duty:—

Lieutenant-Colonel J. R. McK. Homfray, General List, Infantry, (p. a.) for one year.—Pension service,—twenty-six years and 23 days.

No. 624.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel G. C. DePrée, Bengal S. C., (p. a.) for fifteen days.

Colonel J. Miller, Bengal S. C., (m. c.) for three months.

Lieutenant-Colonel R. Morris, Cavalry, (p. a.) for eighty-eight days.

Lieutenant-Colonel F. E. Wiggins, General List, Infantry, (m. c.) for three months.

Lieutenant H. Trevor, Bengal S. C., (m. c.) for three months.

Brigade-Surgeon H. Cayley, (m. c.) for three months.

Surgeon-Major W. Finden, (m. c.) for six months.

Honorary-Captain R. G. Davies, Public Works Department, (m. c.) for three months.

No. 625.—Colonel G. J. Pasley, Bengal S. C., is permitted to reside in England under G. G. O. No. 209 of 1882, drawing pay under Rule 1 of the leave rules for the Staff Corps.—Pension service,—over thirty years.

### PROMOTIONS.

No. 626.—The following promotions are made, subject to Her Majesty's approval:—

#### BENGAL STAFF CORPS.

*To be Major.*

Captain Alfred George Yaldwyn,—14th September, 1886.

#### INDIAN ARMY.

*To be Lieutenant-Colonel.*

Major Henry Arthur Fletcher, General List, Cavalry,—4th September, 1886.

#### No. 627.—NATIVE ARMY—

*6th Bengal Infantry.*

Jemadar Iláhi Khán to be Subadar, and Havildar Jahángir Bakhsh to be Jemadar, *vice* Subadar Ali Muhammad Khan, transferred to the Burmah Police,—with effect from the 1st July, 1886.

*39th Bengal Infantry.*

Jemadar Mangali to be Subadar, *vice* Subadar Major Dhani Rám, invalided;

Jemadar Hira Singh to be Subadar, *vice* Subadar Mahbúb Bég, invalided;

Jemadar Prithi-pál Singh to be Subadar, *vice* Subadar Kalyán, invalided;

Havildar Kogha Singh to be Jemadar, *vice* Jemadar Daúlát Singh, invalided;

Havildar Jhibbú to be Jemadar, *vice* Jemadar Mangali, promoted;

Havildar Máúji to be Jemadar, *vice* Jemadar Hira Singh, promoted.

Havildar Sing Rám to be Jemadar, *vice* Jemadar Prithi-pál Singh, promoted,—

with effect from the 1st May, 1886.

Havildar Dúrga Pánde to be Jemadar, *vice* Jemadar Léna Singh, transferred to the Burmah Police,—with effect from the 16th June, 1886.

**No. 628.—ORDNANCE DEPARTMENT—**

The undermentioned Sub-Conductors on probation, are confirmed in their present grade, with effect from the 19th February, 1886:—

Alexander W. Shepherd.  
George Carter.

**RETIREMENTS.**

**No. 629.**—Deputy Surgeon-General Alfred James Dale, M.B., has been permitted to retire from the service, with effect from the 23rd July, 1886, subject to Her Majesty's approval.

**No. 630.**—Deputy Surgeon-General John Brake is permitted to retire from the service, with effect from the 2nd September, 1886, subject to Her Majesty's approval.

**REWARDS.**

**No. 631.—ORDER OF MERIT—**

The Governor-General in Council is pleased to admit the undermentioned men to the 3rd Class of the Order of Merit:—

I.—For conspicuous gallantry during a reconnaissance made from Mansa, Upper Burma, on the 8th May, 1886, when suddenly attacked by greatly superior numbers; though two out of the five men of which the party consisted were shot down, they bravely held their ground, and inflicted heavy loss on the enemy—

No. 1569, Lance-Havildar Oomarján.	} 26th Bengal Infantry.
" 2817, Sepoy Núr Dín	
" 2643, Sepoy Mírbáz Shah.	
" 2653, Sepoy Núr.	

II.—For conspicuous gallantry near Mansa, Upper Burma, on the 8th May, 1886, in defending Lieutenant MacCartie when severely wounded, and in shooting down the man who had wounded that officer—

No. 275, Sepoy Sáid Báz, 26th Bengal Infantry.

**MARINE DEPARTMENT.**

**PROMOTIONS.**

**No. 39.**—The following promotions are made in Her Majesty's Indian Marine, with effect from the 1st September, 1886:

*To be 2nd Grade Officers.*

3rd Grade Officer Charles Trevor Horan.  
" " Willoughby George Beauchamp.  
" " Charles James Cope Kendall.

O. R. NEWMARCH, *Major-General*,  
*Secretary to the Government of India.*

**PUBLIC WORKS DEPARTMENT.**

**NOTIFICATIONS.**

*Simla, the 13th September, 1886.*

**No. 229.**—Under the provisions of Section 4 of the Northern India Ferries Act, No. XVII of 1878, the Governor-General in Council is pleased to declare that the Bharauli ferry on the River Jumna shall be deemed a public ferry from 1st October, 1886, and that for the purposes of the Act it is situated in the Delhi District of the Punjab.

*The 14th September, 1886.*

**No. 230.**—The Railway from Cherrapoonjee *via* Therriaghat to Companygung will in future be designated the "Cherra-Companygung State Railway."

*The 15th September, 1886.*

**No. 231.**—Mr. E. A. Lee, Deputy Examiner of Accounts, in the Office of the Examiner of Guaranteed Railway Accounts, Bombay, is appointed to officiate as Examiner of Public Works Accounts, Rajputana, during the absence of Mr. W. G. Bayly, on privilege leave, or until further orders.

**No. 232.**—The services of Lieutenant J. E. Capper, R.E., Assistant Engineer, 1st Grade, Central Provinces, are temporarily placed at the disposal of the Military Department.

*The 16th September, 1886.*

**No. 233.**—Colonel H. A. Brownlow, R.E., Inspector-General of Irrigation and Deputy Secretary to the Government of India in the Public Works Department, is appointed to officiate as Secretary to the Government of India in that Department, during the absence on privilege leave of Colonel W. S. Trevor, V.C., R.E., or until further orders.

**No. 234.**—With reference to Public Works Department Notification No. 122, dated the 6th May, 1886, Mr. S. Finney, Class II, Superior Revenue Establishment of State Railways, is retransferred to the Establishment under the control of the Director-General of Railways.

W. S. TREVOR, *Colonel, R.E.*,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 39. }

SIMLA, SATURDAY, SEPTEMBER 25, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 39.

## PART I

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### PUBLIC.

#### PROCLAMATION.

*Simla, the 25th September, 1886.*

Whereas it is necessary for the purposes of the Statute 33 Vic., Cap. 3, Section 1, and of the Upper Burma Laws Act, 1886, Sections 1, 2, 3, 6, 7, 8 and 10, that Upper Burma should be under the administration of a Chief Commissioner;

And whereas it is expedient for other purposes that the whole of the Province of Burma as constituted by the Upper Burma Laws Act, 1886, Section 2, should be under the administration of the Chief Commissioner of the territory known formerly as British Burma and now as Lower Burma;

It is hereby proclaimed that the Governor-General in Council has, in exercise of the powers conferred upon him by the Statute 17 and 18 Vic., Cap. 77, Section 3, taken Upper Burma under his immediate authority and management with the sanction and approbation of the Secretary of State for India, and placed Upper Burma under the administration of the Chief Commissioner of Lower Burma, who shall henceforth be styled the Chief Commissioner of Burma.

By order of the Governor-General in Council,

A. P. MACDONNELL,

*Offg. Secy. to the Government of India.*

## NOTIFICATIONS.—MEDICAL.

*Simla, the 20th September, 1886.*

No. 480.—The services of the undermentioned Commissioned Officers of the Indian Medical Service are temporarily placed at the disposal of the Military Department:—

Surgeon-Major B. Gupta, M.B.  
 Surgeon B. Doyle.  
 Surgeon T. H. Sweeny.  
 Surgeon L. A. Waddell, M.B.  
 Surgeon T. R. Macdonald, M.B.  
 Surgeon F. S. Peck.

## JUDICIAL.

*The 20th September, 1886.*

No. 1389.—Mr. F. J. Marsden, Barrister-at-Law, received charge of the office of Administrator-General of Bengal from Mr. L. P. D. Broughton on the 1st instant.

## PATENTS.

*The 20th September, 1886.*

No. 1186.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 115 of 1886.—Leon Camel, of Lyons in the Republic of France, for an apparatus for mechanically joining on the ends of filaments in reeling silk.

No. 117 of 1886.—Leon Camel, of Lyons in the Republic of France, for an improved arrangement of apparatus for reeling silk.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

## NOTIFICATIONS.—FORESTS.

*Simla, the 24th September, 1886.*

No. 848 F.—In supersession of the Notification of the Home Department No. 252 F., dated the 9th April last, it is hereby notified that Mr. H. H. Davis, Deputy Conservator of Forests of the 2nd Grade in Bengal and officiating in the 1st Grade of Deputy Conservators, held the appointment of Deputy Conservator of the 1st Grade substantively *pro tempore* from the 11th November, 1885, to the 20th June, 1886 (inclusive), reverting to his officiating appointment in that grade on the 21st June, 1886; and that Mr. H. C. Hill, Deputy Conservator of the 2nd Grade in Burma and officiating Conservator of Forests in the Punjab, is appointed permanently to the 1st Grade of Deputy Conservators, with effect from the 21st June, 1886.

## METEOROLOGY.

*The 24th September, 1886.*

No. 147—33-8—*Meteo.*—Surgeon-Major W. Nolan, M.A., M.D., Superintendent of the Colaba

Lunatic Asylum, who was appointed in Notification No. 118 of the 13th ultimo to officiate as Meteorological Reporter for Western India, having been granted one year's furlough by the Government of Bombay, Surgeon J. Parker, M.D., M. Ch. (Ireland), L.M. (Dublin), the officer appointed to act for him as Superintendent of the Colaba Lunatic Asylum, is also appointed to officiate as Meteorological Reporter for Western India, in addition to his own duties, during the absence on privilege leave of Mr. F. Chambers.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 24th September, 1886.*

No. 1859 G.—Hyder Ali Khan, Attaché to the Resident at Hyderabad, sub. *pro tem.*, is confirmed in that appointment, with effect from the 1st March, 1886.

*The 20th September, 1886.*

No. 3383 I.—The Governor-General in Council has received with much satisfaction the intelligence that the undermentioned Talukdars of the Mahikantha in the Bombay Presidency have abolished all transit duties hitherto levied in their respective estates:—

The Chief of Malpur.

" " " Ranasan.  
 " " " Walasna.  
 " " " Magodi.  
 " " " Dadhalia.  
 " " " Dabha.  
 " " " Wadagam.  
 " " " Waktapur.  
 " " " Mehmudpura.

*The 23rd September, 1886.*

No. 3442 I.—The Governor-General in Council is pleased to extend Act X of 1886 (an Act to amend the Code of Criminal Procedure, 1882, and certain other Acts), with the exception of sections 3, 4 and 20, and so much of section 12 as enacts the new section 475 A of the Code of Criminal Procedure, 1882, to the Cantonment of Secunderabad, subject to the following modifications, namely:—

- (1) For "the Local Government," "that Government," and "a Local Government," wherever those words occur, read "the Resident of Hyderabad."
- (2) In section 23, for "British India," wherever these words occur, read "the Cantonment of Secunderabad."
- (3) In section 25, for "within the territories subject to the same Local Government," wherever those words occur, read "in the Hyderabad Assigned Districts."
- (4) In the last clause of section 25, omit the word "other."

*The 24th September, 1886.*

No. 3457 I.—In exercise of the powers conferred by section 8 of the Indian Christian Marriage Act, XV of 1872, the Governor-General in Council is pleased to appoint the Reverend T. E. F. Morton, Pastor of the Methodist Episcopal Church, to be a Marriage Registrar in respect of the territories of the Native States in the Rajputana Agency.

H. M. DURAND,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

## ACCOUNTS AND FINANCE.

Simla, the 22nd September, 1886.

No. 3310.—Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.

August 1886.

(Lakhs of Rupees.)

	IN AUGUST		TO END OF AUGUST		WHOLE YEAR.	
	1886-87.	1885-86.	1886-87.	1885-86.	Budget, 1886-87.	Actuals, Preliminary 1885-86.
[For the explanation of these heads, see <i>Gazette of India</i> , dated 22nd December, 1883, Part 1, page 497.]						
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation) . . . . .	51	48	7,81	7,97	23,32	23,15
Opium . . . . .	91	85	3,81	3,69	9,23	8,94
Salt . . . . .	44	37	2,62	2,63	6,39	6,34
Stamps . . . . .	34	31	1,66	1,64	3,09	3,06
Excise . . . . .	34	31	1,80	1,71	4,14	4,15
Provincial Rates . . . . .	5	5	1,08	1,09	2,91	2,98
Customs . . . . .	6	8	45	47	1,17	1,20
Assessed Taxes . . . . .	16	4	47	41	1,34	50
Forest (Madras and Bombay only) . . . . .	2	2	11	10	42	43
Registration . . . . .	3	3	14	14	31	31
Tributes from Native States . . . . .	5	3	19	18	71	70
Other Civil Revenue . . . . .	30	34	1,26	1,26	3,20	3,13
<b>TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS . . . . .</b>	<b>3,21</b>	<b>2,91</b>	<b>21,40</b>	<b>21,29</b>	<b>56,83</b>	<b>55,49</b>
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Productive Public Works . . . . .	— 47	— 48	— 1,57	— 1,71	— 3,82	— 3,81
Opium . . . . .	— 28	— 37	— 2,01	— 2,29	— 2,65	— 3,05
Other Civil Expenditure . . . . .	— 1,74	— 1,53	— 8,37	— 8,51	— 22,45	— 20,99
<b>TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS . . . . .</b>	<b>— 2,49</b>	<b>— 2,38</b>	<b>— 11,95</b>	<b>— 12,51</b>	<b>— 28,92</b>	<b>— 27,85</b>
Extraordinary Receipts . . . . .	...	...	...	...	...	+ 2,17
<b>Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.</b>						
[The figures comprising Revenue, Expenditure, and Debt and Remittance Transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues) . . . . .	+ 29	+ 5	+ 1,56	+ 15	+ 49	+ 91
Forest, Telegraph, Marine (Net-as above) . . . . .	— 1	— 2	— 7	— 21	— 1	— 33
Guaranteed and Subsidized Railways (Net as above) . . . . .	+ 28	+ 23	+ 2,03	+ 2,14	+ 4,07	+ 4,99
Do. Repayment of surplus profits, &c. . . . .	...	...	— 4	— 1	— 42	— 47
Military Receipts . . . . .	+ 5	+ 5	+ 33	+ 34	+ 83	+ 1,13
Military Issues . . . . .	— 1,02	— 1,07	— 5,43	— 6,49	— 12,99	— 14,78
Public Works Department—						
State Railways Receipts . . . . .	+ 38	+ 23	+ 2,16	+ 1,47	— 2,35	+ 4,28
State Railways Issues . . . . .	— 55	— 42	— 3,47	— 2,54		— 5,97
East Indian Railway Receipts . . . . .	+ 29	+ 27	+ 1,84	+ 1,76	+ 2,80	+ 4,18
East Indian Railway Issues . . . . .	— 12	— 9	— 55	— 52		— 1,35
Ordinary Branches Receipts . . . . .	+ 18	+ 13	+ 88	+ 64	— 5,44	+ 1,70
Ordinary Branches Issues . . . . .	— 46	— 52	— 2,59	— 3,06		— 7,58
<b>TOTAL NON-CIVIL DEPARTMENTS</b>	<b>— 69</b>	<b>— 1,16</b>	<b>— 3,35</b>	<b>— 6,33</b>	<b>— 13,02</b>	<b>— 13,29</b>
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments) . . . . .	...	...	— 1,08	— 6	— 2	— 48
Ant Certificates and Bullion Advances (Net as above) . . . . .	— 4	— 13	— 26	...	...	+ 17
Exchange on Remittance Account . . . . .	— 56	— 10	— 1,24	— 63	— 4,55	— 3,34
Council Bills paid (including Telegraphic) at Rs. 10 per £ . . . . .	— 96	— 32	— 3,58	— 3,34	— 13,33	— 11,16
Other Debt heads (Net as above) . . . . .	— 40	— 1	— 25	+ 21	+ 1,23	— 1,50
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS</b>	<b>— 1,96</b>	<b>— 56</b>	<b>— 6,41</b>	<b>— 3,82</b>	<b>— 16,67</b>	<b>— 16,31</b>
<b>GRAND TOTAL RECEIPTS AND ISSUES</b>	<b>— 1,93</b>	<b>— 1,19</b>	<b>— 31</b>	<b>— 1,37</b>	<b>— 1,78</b>	<b>+ 21</b>
Opening Cash Balance in Treasuries and Presidency Banks . . . . .	14,37	12,36	12,75	12,54	12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks . . . . .	12,44	11,17	12,44	11,17	10,62	12,75

## LEAVE AND APPOINTMENTS.

*The 24th September, 1886.*

No. 3333.—Mr. W. T. Piercy having returned from leave on medical certificate, and having been posted as Assistant Comptroller-General, Paper Currency Department, assumed charge of that appointment before noon on the 11th September, 1886.

J. F. FINLAY,

*Offg. Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 24th September, 1886.*

## APPOINTMENTS.

## MEDICAL DEPARTMENT.

No. 632.—The following extract, paragraphs 1 and 2, from a letter from the Secretary of State for India, No. 216, dated 26th August, 1886, is published for general information :

"1. The undermentioned probationers for the Indian Medical Service, having completed a course of instruction at the Army Medical School, and being reported qualified, have been appointed Surgeons on the Bengal Establishment, their commissions as such bearing date the 1st April, 1886 :—

William Grant Thorold.  
Patrick Hehir.  
Narendra Prasanna Sinha.  
Charles Mactaggart.  
Lionel John Pisani.  
Basanta Kumar Basu.  
John Fenton Evans.  
William Rice Edwards.  
Henry Hooks.  
Arthur Cecil Deare.  
Ernest Hudson.  
George James Hamilton Bell.  
Joseph Thomas Daly.  
William Henry Banner Robinson.  
Arthur William Dawson.  
Henry Anderson Sheppard.

"2. They will be entitled to count as service for pension the period of their residence at the Army Medical School, *vis.*, from 1st April to 28th July, 1886, inclusive."

No. 633.—Brigade-Surgeon J. C. Morice, Indian Medical Service, Bengal Establishment, to be Deputy Surgeon-General, with temporary rank, during the absence of Deputy Surgeon-General G. Farrell on field service. Dated 6th September, 1886.

No. 634.—Brigade-Surgeon C. P. Costello, Indian Medical Service, Bengal Establishment, to be Administrative Medical Officer of the Quetta District, *vice* Brigade-Surgeon A. F. Bradshaw, proceeded to Egypt. Dated 5th September, 1886.

## No. 635.—MILITARY ACCOUNT DEPARTMENT—

Colonel H. G. Saunders, Military Accountant, 1st Class, 2nd Grade, to be Military Accountant, 1st Class, 1st Grade ;

Captain F. F. R. Burgess, Military Accountant, 2nd Class, 1st Grade, to be Military Accountant, 1st Class, 2nd Grade ;

Captain W. R. LeG. Anderson, Military Accountant, 2nd Class, 2nd Grade, to be Military Accountant, 2nd Class, 1st Grade, *seconded* ;

Lieutenant-Colonel F. W. Major, Military Accountant, 2nd Class, 2nd Grade, to be Military Accountant, 2nd Class, 1st Grade ;

Lieutenant H. Melvill, Military Accountant, 3rd Class, to be Military Accountant, 2nd Class, 2nd Grade ;

Lieutenant H. F. S. Ramsden, Assistant Military Accountant, to be Military Accountant, 3rd Class,—

with effect from the 17th August, 1886, *vice* Lieutenant-Colonel C. J. Durand, Military Accountant, 1st Class, 1st Grade, retired.

## VOLUNTEER CORPS.

*Mussoorie Volunteer Rifle Corps.*

No. 636.—Mr. P. McTighe to be Lieutenant, *vice* Lieutenant Sheehan, who becomes supernumerary.

*Burma State Railway Volunteer Corps.*

No. 637.—Major H. Rigg to be Lieutenant-Colonel.

Major W. Innes, Eastern Bengal State Railway Volunteer Rifle Corps, to be Major, to complete the establishment.

## FURLOUGH AND LEAVE.

No. 638.—Colonel C. W. R. Chester, Bengal S. C., is granted leave out of India, (p. a.) for one year, under the leave rules for the Staff Corps, with effect from the 2nd September, 1886.—Pension service,—over thirty years.

No. 639.—The undermentioned officer is granted leave out of India under the leave rules for the Staff Corps, with effect from the date on which he is struck off duty :—

Lieutenant G. R. Brown, Bengal S. C., 1st Battalion, 4th Goorkha Regiment, (p. a.) for one year.—Pension service,—seven years and 245 days.

No. 640.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Brigadier-General Sir C. M. MacGregor, K.C.B., C.S.I., C.I.E., Bengal S. C., (m. c.) for six months.

Lieutenant-Colonel F. W. Grant, Bengal S. C., (m. c.) for two months.

Lieutenant-Colonel H. Y. Murray, Cavalry, (p. a.) for twenty-one days.

Captain St. J. F. Mitchell, Bengal S. C., (m. c.) for three months.

Lieutenant W. J. Newell, Bengal S. C., (m. c.) for six months.

Lieutenant W. R. Little, Bengal S. C., (m. c.) for two months.

No. 641.—Captain T. F. T. Fowle, R.A., Ordnance Department, is granted leave in India (p. a.) to the 31st October, 1886, in extension of that granted him in G. G. O. No. 414 of 1886.

## LONDON GAZETTE.

No. 642.—The following extracts are published for general information:—

"London Gazette," dated the 17th August, 1886, pages 4008 to 4010.

"BUCKINGHAM PALACE,  
17th August, 1886.

His Royal Highness the Duke of Connaught has been pleased to appoint Lieutenant-Colonel Arthur W. Becher, Bengal Cavalry, to be Equerry, *vice* Captain Sir Maurice Fitzgerald, Bart., Knight of Kerry, resigned."

\* \* \* \*

"WAR OFFICE;  
Pall Mall, 17th August, 1886.

## MEMORANDA.

Deputy-Assistant Commissary Andrew Lyttle, Bengal Establishment, has been granted the honorary rank of Lieutenant. Dated 4th June, 1886."

"INDIA OFFICE;  
17th August, 1886.

The Queen has approved of the retirement from the Service of the undermentioned Officers of the Staff Corps and Indian Military Forces:—

Colonel Charles James Jennings, Madras Staff Corps. Dated 1st July, 1886.

Colonel John Jacob, Bombay Staff Corps. Dated 8th June, 1886.

Lieutenant-Colonel Charles Hay, Bombay Staff Corps. Dated 23rd August, 1886.

Major Vincent Lewis Mathias, Madras Staff Corps. Dated 25th June, 1886.

Major Charles Theodore Echalaz, Bombay Infantry. Dated 1st June, 1886.

Deputy Surgeon-General Alfred James Dale, Bengal Medical Establishment. Dated 23rd July, 1886.

Surgeon-Major Alexander Gibb Grant, Bengal Medical Establishment. Dated 18th August, 1886.

The undermentioned Officer has been permitted to resign the Service:—

Surgeon Robert James Taafe, Bengal Medical Establishment. Dated 18th May, 1886.

The following Officers have been granted a step of honorary rank on retirement:—

*To be Major-General.*

Colonel Charles James Jennings, Madras Staff Corps. Dated 1st July, 1886.

*To be Colonel.*

Lieutenant-Colonel Charles Hay, Bombay Staff Corps. Dated 23rd August, 1886.

*To be Lieutenant-Colonels.*

Major Vincent Lewis Mathias, Madras Staff Corps. Dated 25th June, 1886.

Major Charles Theodore Echalaz, Bombay Infantry. Dated 1st June, 1886.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Forces made by the Governments in India:—

## BENGAL STAFF CORPS.

*To be Lieutenant-Colonels.* Dated 8th June, 1886:—

Major Charles Edward Salkeld.  
Major John Ronald Campbell.  
Major Edward Harris Steel.  
Major Frederick Alexander Wilson.  
Major Vincent Rivaz.  
Major and Colonel Arthur Conolly.

*To be Major.*

Captain Annesley John Garrett. Dated 29th May, 1886.

*To be Captains.*

Lieutenant Hugh Frederick Lyons-Montgomery. Dated 13th June, 1886.  
Lieutenant Charles James Orr. Dated 23rd June, 1886.

## BENGAL INFANTRY.

*To be Lieutenant-Colonels.*

Major Joseph George Thomson Carruthers. Dated 8th June, 1886.  
Major Aislabie Landon. Dated 8th June, 1886.  
Major Beville Grenville Vyvyan. Dated 8th June, 1886."

"London Gazette," dated the 20th August, 1886, page 4080.

"INDIA OFFICE;  
20th August, 1886.

The Queen has approved the following Admissions to the Indian Medical Service:—

*To be Surgeons.* Dated 1st April, 1886:

## BENGAL.

William Grant Thorold.  
Patrick Hehir.  
Narendra Prasanna Sinha.  
Charles Mactaggart.  
Lionel John Pisani.  
Basanta Kumar Basu.  
John Fenton Evans.  
William Rice Edwards.  
Henry Fooks.  
Arthur Cecil Deare.  
Ernest Hudson.  
George James Hamilton Bell.  
Joseph Thomas Daly.  
William Henry Banner Robinson.  
Arthur William Dawson.  
Henry Anderson Sheppard."

## PROMOTIONS.

No. 643.—The following promotions are made, subject to Her Majesty's approval:—

*To be Colonels in the Army.*

Lieutenant-Colonel Maurice Tweedie, Bombay S. C.,—26th September, 1886.  
Lieutenant-Colonel William Nesbitt Wroughton, Madras S. C.,—23rd September, 1886.

## BENGAL STAFF CORPS.

*To be Captains.*

Lieutenant John Graham Smith,—21st September, 1886.  
Lieutenant Alexander Edward Pelham Burn,—21st September, 1886.

Lieutenant George William Younghusband,—  
21st September, 1886.

#### INDIAN ARMY.

##### To be Lieutenant-Colonels.

Major and Colonel John Howard Broome,  
General List, Infantry,—18th September,  
1886.

Major Eric Colvin Sutherland Jackson, Gen-  
eral List, Infantry,—20th September, 1886.

#### MEDICAL DEPARTMENT.

##### To be Deputy Surgeon-General.

Brigade-Surgeon George Farrell, *vice* Deputy  
Surgeon-General J. Brake, retired. Dated  
2nd September, 1886.

#### No. 614.—NATIVE ARMY—

##### 8th Bengal Infantry.

Havildar Sâhib Khan to be Jemadar, *vice*  
Jemadar Nûr Shâh Ali, invalided, with effect  
from the 1st May, 1886.

Jemadar Ghulâm Jalâni to be Subadar, *vice*  
Subadar Rûstam Khân, invalided;  
Jemadar Jwâlâ Singh to be Subadar, *vice*  
Subadar Jawâhir Singh, invalided;  
Havildar Nihâl Singh to be Jemadar, *vice*  
Jemadar Jwâlâ Singh, promoted;  
Havildar Ahmadzâi Khân to be Jemadar, *vice*  
Jemadar Ghulâm Jalâni, promoted,—  
with effect from the 6th August, 1886.

##### 38th Bengal Infantry.

Jemadar Khûbi to be Subadar, *vice* Subadar  
Bahâdur Singh, transferred to the 2nd Bat-  
talion, 4th Goorkha Regiment;  
Jemadar Kallû to be Subadar, *vice* Subadar  
Pûran Singh, transferred to the 2nd Batta-  
lion, 4th Goorkha Regiment;  
Havildar Bîdha to be Jemadar, *vice* Jemadar  
Jangbîr Muggar, transferred to the 2nd Bat-  
talion, 4th Goorkha Regiment;  
Havildar Khûsyâl Singh to be Jemadar, *vice*  
Jemadar Santbîr, transferred to the 2nd  
Battalion, 4th Goorkha Regiment;

Havildar Râjrûp to be Jemadar, *vice* Jemadar  
Khûbi, promoted,—  
with effect from the 26th May, 1886.

#### No. 645.—ORDNANCE DEPARTMENT—

Store-Sergeant William Blazey, Gun Carriage  
Factory, Madras, to be Sub-Conductor, on  
probation, with effect from the 13th August,  
1886, *vice* Sub-Conductor J. F. Tripp, seconded.

#### RETIREMENTS.

No. 646.—Colonel Frederick Wheeler, Ben-  
gal S. C., is permitted to retire from the service,  
subject to Her Majesty's approval. Dated 24th  
September, 1886.

No. 647.—Brigade-Surgeon Robert Sander  
Bateson is permitted to retire from the service,  
with effect from the 1st September, 1885, sub-  
ject to Her Majesty's approval.

#### REWARDS.

#### No. 648.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased  
to admit the undermentioned Native Officers  
to the 1st Class of the Order of British India,  
with effect from the dates specified:—

#### MADRAS.

To the 1st Class, with the title of *Sirdar*  
*Bahadur*.

Subadar-Major Hûssain Khân, *Bahâdur*, 15th  
Madras Infantry, *vice* pensioned Subadar-  
Major Shaik Muctoom, *Sirdar Bahâdur*,  
deceased,—8th May, 1886.  
Subadar-Major Golâb Khân, *Bahâdur*, 25th  
Madras Infantry, *vice* pensioned Subadar-  
Major Latchman Sing, *Sirdar Bahâdur*,  
deceased,—18th June, 1886.  
Subadar Rajahlingam, *Bahâdur*, Queen's  
Own, Madras Sappers and Miners, *vice* pen-  
sioned Subadar Gulâm Nabbi, *Sirdar*  
*Bahâdur*, deceased,—1st July, 1886.

O. R. NEWMARCH, *Major-General*,  
*Secretary to the Government of India.*

### MILITARY DEPARTMENT.

#### NOTIFICATION.

*Simla, the 24th September, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is  
notified that report of the death of the undermentioned commissioned officer, on the date speci-  
fied, was received in the Military Department between the 21st August and the 24th September,  
1886:

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Army Veterinary Depart- ment.	Veterinary-Surgeon F. Garratt	16th September, 1886.	Meerut ...	...	

#### Statement of Deposits on account of Estates between the 11th and the 24th September, 1886.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Claude Frank Boileau (a)	Lieutenant ...	South Yorkshire Regt.,—attach- ed to 2nd Bengal Infantry.	29th March, 1886.	No will found.	1,389 2 6	...	24th Novem- ber, 1886.

(a) *Next-of-kin—Father*,—Colonel F. W. Boileau, Commandant, Deoli Irregular Force, Deoli.

O. R. NEWMARCH, *Major-General*,  
*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla; the 17th September, 1886.*

No. 235.—Mr. R. A. Way, Executive Engineer, 2nd Grade, sub. *pro tem.*, State Railways, is appointed to act as Engineer-in-Chief and Manager of the Tirhoot State Railway, during the absence of Mr. H. Bell on privilege leave, or until further orders.

*The 20th September, 1886.*

No. 238.—Colonel A. J. Filgate, R.E., Accountant-General and Deputy Secretary to the Government of India in the Public Works Department, having vacated his appointment under Rule III of Public Works Department Resolution No. 293, dated 3rd September, 1880, is reappointed to that post, with effect from 19th September, 1886.

*The 21st September, 1886.*

No. 239.—Mr. G. F. Mathew, C.I.E., Class II, Superior Revenue Establishment of State Railways, Traffic Department, is granted extraordinary leave for twelve months under Section 134 of the Civil Leave Code, in extension of the leave for twelve months notified in Bombay Government Notification No. 18 (Railway), dated 5th November, 1885.

No. 240.—Messrs. R. L. Campbell and H. T. Gwyther, Executive Engineers, 4th Grade, *temporary rank*, State Railways, are transferred from the Establishment under the Chief Commissioner of Assam to that under the Director-General of Railways.

No. 241.—Mr. P. Duncan, Executive Engineer, 3rd Grade, State Railways, whose services have been lent to the Indian Midland Railway Company, is granted furlough for twelve

months, with the necessary subsidiary leave, under Sections 132 and 136 of the Civil Leave Code.

*The 23rd September, 1886.*

No. 242.—Mr. J. Durrand, Sub-Engineer, 1st Grade, attached to State Railways, is promoted to the Honorary rank of Assistant Engineer, 1st Grade.

No. 243.—Mr. H. W. Warden, Executive Engineer, 2nd Grade, officiating Deputy Consulting Engineer for Railways, Madras, is appointed to officiate as Deputy Consulting Engineer for Railways, Bombay.

*The 24th September, 1886.*

No. 244.—The services of Mr. J. W. Brasington, Executive Engineer, 2nd Grade, Rajputana, on his return from furlough, are placed temporarily at the disposal of the Government of Madras.

## TELEGRAPH.

*The 20th September, 1886.*

No. 236.—Mr. C. E. Pitman, C.I.E., Superintendent, 3rd Grade, Indian Telegraph Department, is, on return from privilege leave, appointed to officiate as a Superintendent, 2nd Grade, with effect from 29th August, 1886.

No. 237.—Consequent on the officiating promotion of Mr. C. E. Pitman, C.I.E., on return from privilege leave, to Superintendent, 2nd Grade, from 29th August, 1886, Mr. W. Williams, officiating Superintendent, 2nd Grade, reverted to his substantive rank of Superintendent, 3rd Grade, from that date.

H. A. BROWNLOW, *Colonel, R.E.,*

*Offg. Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 40.

SIMLA, SATURDAY, OCTOBER 2, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 40.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*Simla, the 1st October, 1886.*

No. 15.—Whereas the Secretary of State for India has by resolution in Council declared the provisions of the 33rd of Vic., chap. 3, sec. 1, to be from and after the 1st October, 1877, applicable to the territories forming the Chief Commissionership of Coorg;

And whereas the Chief Commissioner of Coorg has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor General in Council has taken the draft and reasons into consideration and has approved of the draft, and the same has received the Governor General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*:—

REGULATION No. IV OF 1886.

*A Regulation to Validate certain decrees and orders made by Parpattigars in Coorg.*

WHEREAS certain Parpattigars who were invested under section 10 of the Coorg Courts

Regulation, 1881, with power to try and determine suits within local limits defined under that section, have exercised that power beyond those limits, and in that exercise of the power made decrees and orders which for the avoidance of litigation it is expedient to validate;

It is hereby enacted as follows:—

1. When a decree or order made by any of those Parpattigars before the first day of July, 1885, would be deemed valid if it had been made in exercise of the power within the local limits defined under section 10 of the Coorg Courts Regulation, 1881, it shall not be deemed invalid or deprived of any of its effect by reason only of its having been made in exercise of the power beyond those limits.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

### HOME DEPARTMENT.

#### NOTIFICATIONS—ESTABLISHMENTS.

*Simla, the 1st October, 1886.*

No. 326.—The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E., an Ordinary Member of the Council of the Governor-General of India, reported his departure from Bombay by the S.S. *Clyde* on the afternoon of the 24th September, 1886,

on the leave granted to him under Home Department Notification No. 298, dated the 2nd idem.

**No. 327.**—Mr. W. Duthoit, D.C.L., Barrister-at-Law, is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st August, 1886.

## JUDICIAL.

*The 30th September, 1886.*

**No. 1430.**—Under the provisions of Section 4 of Act XVIII of 1884 (The Punjab Courts Act, 1884), the Governor-General in Council is pleased to appoint Mr. J. D. Tremlett, M.A., C.S., Additional Judge of the Chief Court, Punjab, to be a Judge of that Court.

**No. 1433.**—In exercise of the power conferred by section 139 of Act XXVI of 1881 (The Negotiable Instruments Act, 1881, as amended by Act II of 1885), the Governor-General in Council is pleased to make the following Rules for the guidance and control of Notaries Public appointed under that Act, and fixing the fees payable to those Notaries:—

1. Notaries Public shall, in transacting business under the Act, use the forms set forth in the Appendix to this Notification.

2. Besides recording declarations of payment for honour (section 113), Notaries Public shall, following the practice existing in the Presidency-towns, also register notings and protests made by them. No particular form of register is necessary for these purposes, but Notaries Public shall keep a substantial blank book in which to enter copies of all the letters which they may write presenting bills for acceptance or payment or better security; of all bills\* noted, or protested, or paid for honour, together with all endorsements thereon (including that made by themselves, to the effect that the bill has been noted or protested for non-acceptance or non-payment or want of better security); and of all protests made by themselves and of all declarations made by payers for honour. Notaries Public shall further, after examination of each entry in the book, affix their signature thereto, and, where demand of acceptance or payment or better security was made by a clerk, shall cause him to affix his signature also to the entry relating to the demand.

3. The book shall be known as the Notarial Register, and the pages thereof shall be numbered consecutively.

4. Every Notary Public shall permit the District Judge or such officer as the Local Government from time to time appoints in this behalf to inspect his register at such times, not oftener than twice a year, as the District Judge or officer may fix.

5. When the original instrument is in an Oriental language, any noting or protest or entry in his register which has to be made, in respect of the instrument, by a Notary Public may be made either in that language or in English.

6. In making presentments of bills or notes, Notaries Public shall observe the provisions of Chapter V of the Act:

Provided that it shall not be necessary for a Notary Public to allow the drawee of a bill of exchange time for deliberation as provided by section 63.

7. Every Notary Public shall use a plain circular seal, bearing, if he has been appointed by name, his name and the name of the local area within which he has been appointed to exercise his functions and the circumscription "Notary Public," and, if he has been appointed by virtue of his office, the name of his office and of the local area within which he has been appointed to exercise his functions and the circumscription "Notary Public."

8. Every Notary Public shall have an office at such place within the local area for which he has been appointed as may be approved in this behalf by the District Judge.

\* In cases where the language of the bill is unknown to the Notary Public, and where it is impossible to find any one acquainted with the language of the bill to copy it into the register, an entry in the register of an abstract of the bill will be sufficient.

9. Notaries Public shall charge fees at the rates mentioned below, namely:—

				Rs.	Rs.
(1) For noting an instrument—					
If the amount of the instrument does not exceed				...	1,000 2
If it exceeds Rs. 1,000 but does not exceed				...	5,000 3
Ditto	Rs.	5,000	ditto	...	20,000 5
Ditto	Rs.	20,000	ditto	...	30,000 6
Ditto	Rs.	30,000	ditto	...	50,000 7
Ditto	Rs.	50,000	ditto	...	...
					8
(2) For protesting an instrument—				Rs.	Rs.
If the amount of the instrument does not exceed				...	1,000 6
If it exceeds Rs. 1,000 but does not exceed				...	5,000 7
Ditto	Rs.	5,000	ditto	...	20,000 10
Ditto	Rs.	20,000	ditto	...	30,000 11
Ditto	Rs.	30,000	ditto	...	40,000 12
Ditto	Rs.	40,000	ditto	...	50,000 13
Ditto	Rs.	50,000	ditto	...	60,000 14
Ditto	Rs.	60,000	ditto	...	70,000 15
Ditto	Rs.	70,000	ditto	...	80,000 16
Ditto	Rs.	80,000	ditto	...	90,000 17
Ditto	Rs.	90,000	ditto	...	1,00,000 18
Ditto	Rs.	1,00,000	...	...	...
					22

(3) For recording a declaration of payment for honour 2-8

(4) Duplicate protests,—half the charge for the original.

NOTE.—In addition to the above fees, travelling allowance, at the rate of three annas a mile by rail and eight annas a mile by road, may be charged when the Notary Public is required to attend at any place more than one mile from his office.

10. These Rules shall come into force on the first day of January, 1887.

## APPENDIX.

### I.

#### FORM OF NOTING.

(SEE SECTION 99.)

(To be made upon the instrument or upon a paper attached thereto, or partly upon each.)

Reference to page in Notarial Register.

Date of presentment and dishonour.

Reason, if any, assigned for dishonour (or, if the instrument has not been expressly dishonoured, reason why holder treats it as dishonoured).

Date of Note

(Sd.) A. B.,

Notary's Charges.

Notary Public.

### II.

#### FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE.

(SEE SECTION 101.)

On the            day of            18   , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of            in (here state the local area for which the Notary Public has been appointed) in British India, at the request of C. D. of            did, at            (in person) (by my clerk) (by registered letter), cause due and customary presentment to be made to, and did demand acceptance of, the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto

annexed") from *E. F.*, the person upon whom the said bill is drawn, to which demand he made answer (*state terms of answer, if any*) (or "to which demand he gave no answer"); wherefore I, the said Notary, at the request aforesaid by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest.

(Sd.) *A. B.*,

Notary Public.

*M. N.* } Witnesses.  
*O. P.* }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

### III.

#### FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE WHEN THE DRAWEE CANNOT BE FOUND.

(SEE SECTION 101.)

(a) *Where search was made by Notary Public in person or by his clerk.*  
On the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_, I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of \_\_\_\_\_ in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of \_\_\_\_\_, did (*in person*) (*by my clerk*), make due search at *E. F.* in order to present to, and demand from, him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") which is drawn upon the said *E. F.*, but was unable to find him; wherefore I, the said Notary, at the request aforesaid by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

(b) *Where registered letter was sent to the drawee.*  
On the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_, I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of \_\_\_\_\_ in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of \_\_\_\_\_, did send by post a registered letter addressed to *E. F.* at \_\_\_\_\_, wherein I enclosed and demanded from him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") which is drawn upon the said *E. F.*, but the letter was returned undelivered, because the said *E. F.* could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest.

(Sd.) *A. B.*,

Notary Public.

*M. N.* } Witnesses.  
*O. P.* }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

## IV.

## FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT.

(SEE SECTION 101.)

On the                      day of                      18     , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of                      in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of                      , did cause due and customary presentment to be made at                      (*in person*) (*by my clerk*) (*by registered letter*) to and did demand payment of the promissory note (or bill of exchange, *as the case may be*) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") from E. F., the maker of the said promissory note (*or drawee, or acceptor, of the said bill of exchange, as the case may be*), to which demand he made answer (*state the terms of his answer, if any*) or ("to which demand he gave no answer"); wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the maker of the said promissory note (*or the drawer of the said bill of exchange, as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (*or bill of exchange, as the case may be*).

Which I attest.

(Sd.) A. B.,

Notary Public.

M. N. }  
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such payment was offered and effected.

## V.

PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT  
WHEN THE MAKER, DRAWEE, OR ACCEPTOR (AS THE CASE MAY BE)  
CANNOT BE FOUND.

(SEE SECTION 101.)

(a) *Where search was made by Notary Public in person or by his clerk.*

On the                      day of                      18     , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of                      in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of                      , did (*in person*) (*by my clerk*) make due search at                      for E. F., the maker (*or drawee, or acceptor, as the case may be*) in order to present to and demand from him payment of the promissory note (or "bill of exchange," *as the case may be*) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), but was unable to find him; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the maker of the said promissory note *or drawer of said bill of exchange, as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (*or bill of exchange, as the case may be*).

(b) *Where registered letter was sent to the maker, drawee, or acceptor.*

On the                      day of                      18     , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of                      in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of                      , did send by post a registered letter addressed to E. F. at                      , the maker (*or drawee, or acceptor, as the case may be*), wherein I enclosed and demanded from him payment of the promissory note (or "bill of exchange," *as the case may be*) hereto

annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), but the letter was returned undelivered because the said *E. F.* could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the maker of the said promissory note (or the drawer of the said bill of exchange, *as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of payment of the said promissory note (or bill of exchange, *as the case may be*).

Which I attest.

(Sd.) *A. B.*,

Notary Public.

*M. N.* } Witnesses.  
*O. P.* }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such payment was offered and effected.

## VI.

### FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY.

(SEE SECTION 101.)

On the            day of            18   , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of            in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of            , did exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") to *E. F.*, the person on whom the said bill is drawn, and whose acceptance appears thereon, and did demand better security for the payment thereof when the same should become payable in consequence of the said *E. F.* having become insolvent (or "his credit having been publicly impeached," *as the case may be*), to which demand he made answer            (or "to which demand he gave no answer"); wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest.

(Sd.) *A. B.*,

Notary Public.

*M. N.* } Witnesses.  
*O. P.* }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

## VII.

### FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY WHEN THE ACCEPTOR CANNOT BE FOUND.

(SEE SECTION 101.)

(a) *Where search was made by Notary Public in person or by his clerk.*

On the            day of            18   , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of            in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of            , did (*in person (by my clerk)* make due search at            for *E. F.*, in order

to exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") to the said *E. F.*, the person on whom the said bill is drawn, and whose acceptance appears thereon, and demand better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached," *as the case may be*), but was unable to find him; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

(b) *Where registered letter was sent to the acceptor.*

On the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_; I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of \_\_\_\_\_ in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of \_\_\_\_\_, did send by post a registered letter addressed to *E. F.* at \_\_\_\_\_, wherein I enclosed the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), and did by such letter demand from the said *E. F.*, the person on whom the said bill is drawn and whose acceptance appears thereon, better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached," *as the case may be*), but the said letter was returned undelivered because the said *E. F.* could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest.

(Sd.) *A. B.*,

Notary Public.

*M. N.* }  
*O. P.* } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

#### VIII.

##### FORM OF NOTICE OF PROTEST TO DRAWER TO BE GIVEN BY A NOTARY PUBLIC.

(SEE SECTION 102.)

Take notice that a bill of exchange for (*here state the amount*) drawn by you under date the \_\_\_\_\_ on \_\_\_\_\_ and payable at \_\_\_\_\_ has been dishonoured by non-acceptance (*or non-payment, as the case may be*) and protested, and that you will be held liable thereon.

(Sd.) *A. B.*,

Notary Public.

#### IX.

##### FORM OF NOTICE OF PROTEST TO INDORSER TO BE GIVEN BY A NOTARY PUBLIC.

(SEE SECTION 102.)

Take notice that a bill of exchange for (*here state the amount*) drawn by \_\_\_\_\_ under date the \_\_\_\_\_ on \_\_\_\_\_

and payable at \_\_\_\_\_ and bearing your indorsement  
has been dishonoured by non-acceptance (or non-payment, as the case may be)  
and protested, and that you will be held liable thereon.

(Sd.) A. B.,

Notary Public.

### X.

#### FORM OF NOTARIAL ACT OF DECLARATION HAVING BEEN MADE BY A PAYER FOR HONOUR.

(SEE SECTION 113.)

On the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, I, A. B., a Notary  
Public appointed under the Indian Negotiable Instruments Act, 1881, of  
\_\_\_\_\_, in (here state the local area for which the  
Notary Public has been appointed) in British India, do hereby certify that the  
bill of exchange hereto annexed (or "a literal transcript whereof and of every-  
thing written or printed thereupon is hereto annexed") (now protested for non-  
payment) was this day exhibited to Y. Z. of \_\_\_\_\_ in  
the \_\_\_\_\_ of \_\_\_\_\_, in British India (or to  
his agent in this behalf, as the case may be), who declared before  
me that he, the said Y. Z., would pay the amount of the said bill under protest  
for the honour of (here insert the name of the party for whose honour the pay-  
ment is to be made), holding the said (here insert the name of the party for  
whose honour the payment is to be made) and the drawer and all other proper  
persons responsible to him, the said Y. Z., for the amount of the said bill and  
for all proper costs, interest, damages, and expenses; I have, therefore, in the  
presence of M. N. and O. P., witnesses, granted this Notarial Act of honour  
accordingly.

Which I attest.

(Sd.) A. B.,

Notary Public.

M. N. }  
O. P. } Witnesses.

### PATENTS.

The 27th September, 1886.

No. 1223.—Specifications of the undermen-  
tioned inventions have been filed, under the  
provisions of Act XV of 1859, in the Office of  
the Secretary to the Government of India in the  
Home Department. Copies have been sent to  
one of the Secretaries to each of the Govern-  
ments of Bengal, Fort St. George, Bombay, and  
the North-Western Provinces. A copy of every  
specification is open to public inspection, at all  
reasonable hours, at the Office of the Secretary  
to the Government of India in the Home De-  
partment at the Presidency, upon payment of a  
fee of one rupee. A certified copy of any  
specification will be given to any person re-  
quiring the same on payment of the expense of  
copying.—

No. 51 of 1886.—Walter Bushby and Arthur Westrop,  
of Messrs. Steuart and Company,  
No. 8, Old Court House Corner,  
Calcutta, for a New Buggy.

No. 76 of 1886.—William Hood Gilruth, late of Assam,  
at present of Calcutta, Tea Planter,  
for improvements in apparatus for  
drying tea leaves and the like, to  
be called "Gilruth's Harmatton  
Tea Dryer."

No. 80 of 1886.—Hugh Robert Stewart, of Ramleh,  
Alexandria, Egypt, Captain in the  
Royal Navy, for Improvements in  
Tents.

No. 110 of 1886.—Ernest Donner, Gentleman, at pre-  
sent residing at Harley's Road,  
No. 4, Madras, for Softening and  
Preparing Cocoons of Silkworms,  
notably Tusser and other hard  
species, preparatory to reeling or  
carding them.

No. 145 of 1886.—Henry Hamilton Remfry, Solicitor  
and Patent Agent, of No. 5, Fancy  
Lane, Calcutta, for Improvements  
of Pocket Sewing Machine.

No. 156 of 1886.—Martin Van Buren Ethridge, resid-  
ing at No. 6, Staniford Street, in  
the City of Boston, County of Suf-  
folk and State of Massachusetts,  
one of the United States of Amer-  
ica, Gentleman, for Improvement  
in Stamp Cancelling and Post-  
marking Machines.

A. P. MACDONNELL,

Offg. Secretary to the Government of India.

### FOREIGN DEPARTMENT.

#### NOTIFICATIONS.

Simla, the 28th September, 1886.

No. 3509 I.—Resaldar-Major Isri Pershad,  
C.I.E., is appointed Honorary Attaché to the  
Agent to the Governor-General in Central India.

*The 1st October, 1886.*

No. 3538 I.—In modification of the Notification of the Government of India in the Foreign Department, No. 529 I., dated the 1st March, 1883, the Governor-General in Council is pleased to extend the provisions of Chapter XLV of the Code of Civil Procedure, so far as they are applicable, to the Civil and Military Station of Bangalore.

*The 30th September, 1886.*

No. 2252 E.—Under the provisions of Section 2 of the Bengal Eastern Frontier Tracts Regulation I of 1873 (Regulation for the peace and government of certain districts in the Eastern Frontier of Bengal), the Governor-General in Council is pleased, in modification of Foreign Department Notification, No. 2772 E., dated the 16th October, 1884, to revise, as below, the south-west portion of the Lakhimpur Inner Line:

From the confluence of the Buri Dehing with Kerampani along the left bank of the Dehing river to its confluence with the Tirap river, thence along the left bank of the Tirap river to the point where it is joined by the Likhakha, thence up the crest of the Waddo range and along the crest in a south-westerly direction crossing the Ledo river and proceeding to a point on the Namdang two-and-a-half miles south-west of the old site of the Jaishing village as marked on the Topographical map, thence in a north-westerly direction to the foot of the hills, thence along the foot of the hills to the Dirak river, thence along the Dirak river to its junction with the Dehing.

H. M. DURAND,  
*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 28th September, 1886.*

No. 3373.—The services of Surgeon F. F. MacCartie, at present employed as a Probationer in the Assay Department of the Bombay Mint, are replaced at the disposal of the Government of Bombay.

*The 29th September, 1886.*

No. 3393.—Mr. G. C. Walker, B.C.S., having been appointed to officiate as Under-Secretary to the Government of India in the Department of Finance and Commerce, assumed charge of that appointment before noon on the 23rd September, 1886.

### CODES.

*The 30th September, 1886.*

No. 3427.

#### PAY AND ACTING ALLOWANCE CODE.

PAGE 268.

Section 5.

*Insert the following as "Note (4)" under this Section:*

["NOTE (4).—For the purposes of this Section, promotion to a higher grade of the same appointment is to be treated as promotion to a higher appointment."] ]

## SEPARATE REVENUE.

### ASSESSED TAXES.

#### INCOME TAX.

*The 30th September, 1886.*

No. 3438.—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council directs that in line 1 of each of the forms of certificate B and C appended to the Rules prescribed in Financial Notification No. 593, dated the 5th February, 1886, the name of the owner of the Securities shall be inserted after the words "Income of".

J. F. FINLAY,  
*Offg. Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 1st October, 1886.*

### APPOINTMENTS.

#### No. 649.—PERSONAL STAFF—

The Viceroy and Governor-General has been pleased to make the following appointment on His Excellency's Personal Staff, with effect from the 20th September, 1886:—

*To be Extra Aide-de-Camp.*

Lieutenant L. G. F. Gordon, Royal Artillery.

#### No. 650.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State for India probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India:—

#### BENGAL STAFF CORPS.

Lieutenant W. H. Goodair, 5th (Royal Irish) Lancers.

#### MADRAS STAFF CORPS.

Lieutenant C. E. Hendley, Welsh Regiment.  
Lieutenant H. W. C. Colquhoun, Welsh Regiment.

#### BOMBAY STAFF CORPS.

Lieutenant E. R. Houghton, West Riding Regiment.

### FURLOUGH AND LEAVE.

No. 651.—The undermentioned officers are granted leave out of India under the Leave Rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Colonel F. J. Keen, C.B., Bengal S. C., (p. a.) for one year. Pension-service,—over thirty years.

Colonel A. Battye, C.B., Bengal S. C., Commandant, 1st Battalion, 2nd (Prince of Wales' Own) Goorkha Regiment, (p. a.) for one year. Pension-service,—twenty-nine years and 161 days.

Captain B. Channer, Bengal S. C., 2nd (Queen's Own) Bengal Infantry, (m. c.) for one year. Pension-service,—eighteen years and 281 days.

Lieutenant A. N. Carr, Bengal S. C., 3rd Bengal Cavalry, (m. c.) for one year. Pension-service,—eight years and 244 days.

No. 652.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Colonel E. T. Thackeray, C.B., V.C., R.E., (m. c.) for one month.

Major A. de C. Rennick, Bengal S. C., (m. c.) for one month.

Captain L. J. H. Grey, Bengal S. C., (u. p. a.) for seven days.

Honorary-Lieutenant R. A. Chalmers, Military Works Department, (m. c.) for six months.

No. 653.—Honorary-Lieutenant T. Lee, Commissariat Department, Transport Branch, is granted leave in India, (m. c.) for one year under rule XXVI of the regulations of 1868, with effect from the 25th March, 1886. (G. G. O. No. 369 of 1886 is cancelled.)

#### LONDON GAZETTE.

No. 654.—The following extracts are published for general information :—

"*London Gazette*," dated the 27th August, 1886, page 4178.

#### "WAR OFFICE ;

*Pall Mall*, 27th August, 1886.

#### MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels :—

Charles Chester Sargeant, Madras Staff Corps. Dated 31st May, 1886.

George Gordon Young, Bengal Staff Corps. Dated 13th June, 1886.

Edwards Charles Garstin, Bengal Staff Corps. Dated 13th June, 1886.

Ayrton Pullan, Bengal Staff Corps. Dated 14th June, 1886.

Robert Blackall, Graham, Bengal Staff Corps. Dated 14th June, 1886.

Edward James Watson, Madras Staff Corps. Dated 14th June, 1886.

James FitzGerald, Bengal Staff Corps. Dated 16th June, 1886."

"*London-Gazette*," dated the 31st August, 1886, page 4226.

#### "INDIA OFFICE ;

31st August, 1886.

The Queen has approved of the following admissions to the Staff Corps made by the Governments in India.

#### BENGAL STAFF CORPS.

##### To be Lieutenants.

Lieutenant Offley Bohun Stovin Fairless Shore, from the West Yorkshire Regiment. Dated 27th April, 1884, but to rank from 10th May, 1882.

Lieutenant John Alfred Hudson Woodward, from the Border Regiment. Dated 18th December, 1884, but to rank from 9th September, 1882.

Lieutenant Ivor Philipps, from the Manchester Regiment. Dated 8th October, 1884, but to rank from 12th May, 1883.

\* \* \* \*

The Queen has also approved of the following transfer to the Half-Pay List :—

#### MADRAS INFANTRY.

Lieutenant-Colonel and Colonel Albert Joseph Howes. Dated 31st August, 1886."

#### PROMOTIONS.

No. 655.—The following promotions are made, subject to Her Majesty's approval :—

##### To be Colonel in the Army.

Lieutenant-Colonel Henry Phipson Peacock, Bengal Cavalry,—20th September, 1886.

#### INDIAN ARMY.

Major Arthur John Tregonwell Welchman, General List, Infantry (now on temporary half-pay) to be Lieutenant-Colonel, with effect from the 20th December, 1885.

#### MEDICAL DEPARTMENT.

Surgeons to be Surgeons-Major, with effect from 30th September, 1886 :—

R. N. Stoker.

G. Bomford, M.D.

A. Barclay, M.B.

C. J. McCartie, M.D.

No. 656.—NATIVE ARMY—

##### 5th Bengal Cavalry.

Ressaldar Abdúl Azíz to be Ressaldar-Major, *vice* Ressaldar-Major Gopál Singh, invalided ;

Ressaidar Partáb Singh to be Ressaldar, and Jemadar Súchét Singh, to be Ressaidar, *vice* Ressaldar-Major Gopál Singh, invalided,—with effect from the 3rd July, 1886.

No. 657.—PUBLIC WORKS DEPARTMENT—

Assistant-Commissary and Honorary-Lieutenant George Mortimer to be Deputy Commissary, *supernumerary* ;

Assistant-Commissary and Honorary-Lieutenant William James to be Deputy Commissary,—

with effect from the 18th May, 1886, *vice* Deputy-Commissary and Honorary-Captain M. Johnstone, retired.

Conductor William Townsend Tobin to be Deputy-Assistant Commissary ;

Sub-Conductor John Joseph Young to be Conductor ;

Sergeant Thomas Fitzpatrick to be Sub-Conductor,—

with effect from the 18th June, 1886, *vice* Deputy-Assistant Commissary and Honorary-Lieutenant J. Keenan, retired.

#### RETIREMENTS.

No. 658.—Brigade-Surgeon James Browne, M.D., has been permitted to retire from the service, with effect from the 18th August, 1886, subject to Her Majesty's approval.

## REWARDS.

## No. 659.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd Classes of the Order of British India from the dates specified:—

## BENGAL.

*To the 1st Class, with the title of "Sirdar Bahadur."*

Subadar-Major Ghulám Husain, *Bahadur*, 28th Bengal Infantry, *vice* Ressaldar Kammarudin Khan, *Sirdar Bahadur*, deceased,—4th July, 1885.

Subadar-Major Sher Singh, *Bahadur*, 31st Bengal Infantry, *vice* Subadar-Major Jiwand Singh, *Sirdar Bahadur*, deceased,—2nd October, 1885.

Ressaldar-Major Mir Alam Khan, *Bahadur*, 1st Punjab Cavalry, *vice* Subadar-Major Sheik Husain Baksh, *Sirdar Bahadur*, deceased,—17th October, 1885.

Ressaldar Sher Singh, *Bahadur*, 2nd Punjab Cavalry, *vice* Ressaldar Anup Singh, *Sirdar Bahadur*, deceased,—31st October, 1885.

Ressaldar Muhammad Salim Khan, *Bahadur*, 3rd Punjab Cavalry, *vice* Subadar-Major Nihal Singh, *Sirdar Bahadur*, deceased,—17th March, 1886.

Ressaldar-Major Amir Ali Shah, *Bahadur*, 5th Punjab Cavalry, *vice* Subadar-Major Indarbír Lama, *Sirdar Bahadur*, deceased,—3rd June, 1886.

*To the 2nd Class, with the title of "Bahadur."*

Subadar Hukam Chand, 4th Punjab Infantry, *vice* Subadar-Major Ghulám Husain, *Bahadur*, promoted,—4th July, 1885.

Ressaldar Wajid Ally, 3rd Bengal Cavalry, *vice* Subadar-Major Sher Singh, *Bahadur*, promoted,—2nd October, 1885.

Subadar Balakram Chobé, 4th Bengal Infantry, *vice* Ressaldar Sher Singh, *Bahadur*, promoted,—31st October, 1885.

Subadar Arsalla Khan, 20th Bengal Infantry, *vice* Ressaldar Muhammad Salim Khan, *Bahadur*, promoted,—17th March, 1886.

## VOLUNTEER CORPS.

No. 660.—His Excellency the Governor-General in Council is pleased to sanction the conversion of the Mounted Infantry Company of the Calcutta Volunteer Rifle Corps into a squadron of Cavalry to be styled the "Calcutta Mounted Rifles."

## MILITARY WORKS DEPARTMENT.

No. 661.—Captain J. C. M. Beresford, R.E., Executive Engineer, 4th Grade, is removed from the establishment of the Military Works Department. Pending further orders, he will be attached to that department, under section 7, paragraph 236E, of the Bengal Army Regulations.

O. R. NEWMARCH, *Major-General*,  
*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

## NOTIFICATION.

*Simla, the 1st October, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 25th September and the 1st October, 1886:

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
1st Battalion, Border Regiment.	Lieutenant H. E. Davis ...	20th September, 1886.	Sialkot ...	...	
1st Battalion, Durham Light Infantry.	Lieutenant E. H. Stockdale ...	19th September, 1886.	Allahabad ...	...	

## Statement of Deposits on account of Estates between the 25th September and the 1st October, 1886.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
William George Dunsford (a)	Captain ...	Bengal Staff Corps.	12th June, 1886	No will found.	Rs. A. P. 1,414 15 11	...	25th November, 1886.

(a) Next-of-kin.—Widow—Annie Grace Dunsford.

Children—Evelyn Henry, Bertie William Edgecombe.

O. R. NEWMARCH, *Major-General*,  
*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 27th September, 1886.*

No. 245.—Mr. B. W. Cantopher, Executive Engineer, 3rd Grade, sub. *pro tem.*, State Railways, is transferred from the Establishment under the Chief Commissioner of Assam to that under the Chief Commissioner of Burma.

No. 246.—Mr. R. K. Biernacki, Locomotive Candidate, is transferred from the Establishment under the control of the Government of the North-Western Provinces and Oudh to that under the Director-General of Railways.

No. 247.—Mr. W. R. Foy, Executive Engineer, 4th Grade, *temporary rank*, Assam, reverted to his substantive rank of Assistant Engineer, 1st Grade, with effect from the afternoon of 21st August, 1886.

*The 1st October, 1886.*

No. 248.—The portion of Public Works Department Notification No. 210, dated 14th August, 1886, relating to Mr. C O. Leefe, is cancelled.

H. A. BROWNLOW, *Colonel, R.E.*,

*Offg. Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

41.

SIMLA, SATURDAY, OCTOBER 9, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART III.—Advertisements and Notices by private individuals and Corporations.

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### MILITARY SECRETARY'S OFFICE.

#### NOTIFICATIONS

*Simla, the 6th October, 1886.*

His Excellency THE VICEROY will leave Simla on Thursday, the 28th October, 1886.

His Excellency will visit Mooltan, Bhawalpur, Lahore, Ahmedabad, Baroda, Goa, Bombay, Poona, Hyderabad, Mysore, Bangalore, Trichinopoly, Madura, Tanjore, and Pondicherry, at which place His Excellency will embark in the I. G. S. *Clive* for Calcutta, and will probably arrive at Calcutta on or about Monday, the 13th December, 1886.

His Excellency THE VICEROY AND GOVERNOR-GENERAL will hold a Levée at Government House, Calcutta, on Monday, the 20th December, 1886, at 9-30 P.M.

All Civil and Military Officers and the Native Officers of the Native Regiments of the Garrison are invited to attend.

Gentlemen purposing to attend the Levée are requested to send their cards to the Aide-de-Camp in waiting not later than Friday, the 17th December, 1886, after which "No Cards" will be received, and to bring with them to the Levée two cards, with their names legibly written on them—one to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen who have not already been presented at the Court of St. James or at Government House will be good enough to add the names of Gentlemen who will present them.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not wearing uniform will appear in evening dress.

The carriages of Gentlemen (except such as have the private entrée) attending the Levée will enter by the North-East Gate, set down under the Grand Staircase, and pass out by the North-West Gate.

Their Excellencies THE VICEROY AND COUNTESS OF DUFFERIN will hold a Drawing Room at Government House, Calcutta, on Thursday, the 23rd December, 1886, at 9-30 P.M.

Ladies purposing to attend the Drawing Room are requested to send their cards and addresses to the Aide-de-Camp in waiting not later than Monday, the 20th December, 1886, after which "No Cards" will be received, and to bring with them to the Drawing Room two cards, with their names legibly written on them—one to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Ladies who have not already been presented at the Court of St. James or at Government House are requested to send their cards, with their addresses and the name of the Lady by whom they are to be presented, to the Aide-de-Camp in waiting as soon as possible.

Ladies who present others should themselves attend the Drawing Room.

Ladies attending the Drawing Room will be expected to appear in full dress, but without trains.

The carriages of those who have the private entrée will enter by the South-East Gate, and set down at the South Entrance of Government House.

All other carriages will enter by the North-East Gate, set down under the Grand Stairs, and pass out by the North-West Gate.

By Command,

WILLIAM BERESFORD, Major,

*Military Secretary to the Viceroy.*

## LEGISLATIVE DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 7th October, 1886.*

No. 16.—The following Statute is published for general information :—

### INTERNATIONAL COPYRIGHT ACT, 1886.

49 & 50 VICTORIA, CAP. 33.

An Act to amend the Law respecting International and Colonial Copyright.

[25th June, 1886.]

WHEREAS by the International Copyright Acts Her Majesty is authorised by Order in Council to direct that as regards literary and artistic works first published in a foreign country

the author shall have copyright therein during the period specified in the order, not exceeding the period during which authors of the like works first published in the United Kingdom have copyright :

And whereas at an international conference held at Berne in the month of September one thousand eight hundred and eighty-five a draft of a convention was agreed to for giving to authors of literary and artistic works first published in one of the countries parties to the convention copyright in such works throughout the other countries parties to the convention :

And whereas, without the authority of Parliament, such convention cannot be carried into effect in Her Majesty's dominions and consequently Her Majesty cannot become a party thereto, and it is expedient to enable Her Majesty to accede to the convention :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and

consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) This Act may be cited as the International Copyright Act, 1886.

(2) The Acts specified in the first part of the First Schedule to this Act are in this Act referred to and may be cited by the short titles in that schedule mentioned, and those Acts, together with the enactment specified in the second part of the said schedule, are in this Act collectively referred to as the International Copyright Acts.

The Acts specified in the Second Schedule to this Act may be cited by the short titles in that schedule mentioned, and those Acts are in this Act referred to, and may be cited collectively as the Copyright Acts.

(3) This Act and the International Copyright Acts shall be construed together, and may be cited together as the International Copyright Acts, 1844 to 1886.

2. The following provisions shall apply to an Order in Council under the International Copyright Acts:

(1) The order may extend to all the several foreign countries named or described therein:

(2) The order may exclude or limit the rights conferred by the International Copyright Acts in the case of authors who are not subjects or citizens of the foreign countries named or described in that or any other order, and if the order contains such limitation and the author of a literary or artistic work first produced in one of those foreign countries is not a British subject, nor a subject or citizen of any of the foreign countries so named or described, the publisher of such work, unless the order otherwise provides, shall for the purpose of any legal proceedings in the United Kingdom for protecting any copyright in such work be deemed to be entitled to such copyright as if he were the author, but this enactment shall not prejudice the rights of such author and publisher as between themselves:

(3) The International Copyright Acts and an order made thereunder shall not confer on any person any greater right or longer term of copyright in any work than that enjoyed in the foreign country in which such work was first produced.

3. (1) An Order in Council under the International Copyright Acts may provide for determining the country in which a literary or artistic work first produced simultaneously in two or more countries, is to be deemed, for the purpose of copyright, to have been first produced, and for the purposes of this section "country" means the United Kingdom and a country to which an order under the said Acts applies.

(2) Where a work produced simultaneously in the United Kingdom, and in some foreign country or countries is by virtue of an Order in Council under the International Copyright Acts deemed for the purpose of copyright to be first produced in one of the said foreign countries, and not in the United Kingdom, the

copyright in the United Kingdom shall be such only as exists by virtue of production in the said foreign country, and shall not be such as would have been acquired if the work had been first produced in the United Kingdom.

4. (1) Where an order respecting any foreign country is made under the International Copyright Acts the provisions of those Acts with respect to the registry and delivery of copies of works shall not apply to works produced in such country except so far as provided by the order.

(2) Before making an Order in Council under the International Copyright Acts in respect of any foreign country, Her Majesty in Council shall be satisfied that that foreign country has made such provisions (if any) as it appears to Her Majesty expedient to require for the protection of authors of works first produced in the United Kingdom.

5. (1) Where a work being a book or dramatic piece is first produced in a foreign country to which an Order in Council under the International Copyright Acts applies, the author or publisher, as the case may be, shall, unless otherwise directed by the order, have the same right of preventing the production in and importation into the United Kingdom of any translation not authorised by him of the said work as he has of preventing the production and importation of the original work.

(2) Provided that if after the expiration of ten years, or any other term prescribed by the order, next after the end of the year in which the work, or in the case of a book published in numbers each number of the book, was first produced, an authorised translation in the English language of such work or number has not been produced, the said right to prevent the production in and importation into the United Kingdom of an unauthorised translation of such work shall cease.

(3) The law relating to copyright, including this Act, shall apply to a lawfully produced translation of a work in like manner as if it were an original work.

(4) Such of the provisions of the International Copyright Act, 1852, relating to translations as are unrepealed by this Act shall apply in like manner as if they were re-enacted in this section.

6. Where an Order in Council is made under the International Copyright Acts with respect to any foreign country, the author and publisher of any literary or artistic work first produced before the date at which such order comes into operation shall be entitled to the same rights and remedies as if the said Acts and this Act and the said order had applied to the said foreign country at the date of the said production: Provided that where any person has before the date of the publication of an Order in Council lawfully produced any work in the United Kingdom, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such production which are subsisting and valuable at the said date.

7. Where it is necessary to prove the existence or proprietorship of the copyright of any

work first produced in a foreign country to which an Order in Council under the International Copyright Acts applies, an extract from a register, or a certificate, or other document stating the existence of the copyright, or the person who is the proprietor of such copyright, or is for the purpose of any legal proceedings in the United Kingdom deemed to be entitled to such copyright, if authenticated by the official seal of a Minister of State of the said foreign country, or by the official seal or the signature of a British diplomatic or consular officer acting in such country, shall be admissible as evidence of the facts named therein, and all courts shall take judicial notice of every such official seal and signature as in this section mentioned, and shall admit in evidence, without proof, the documents authenticated by it.

8. (1) The Copyright Acts shall, subject to the provisions of this Act, apply to a literary or artistic work first produced in a British possession in like manner as they apply to a work first produced in the United Kingdom:

Provided that—

(a) the enactments respecting the registry of the copyright in such work shall not apply if the law of such possession provides for the registration of such copyright; and

(b) where such work is a book the delivery to any persons or body of persons of a copy of any such work shall not be required.

(2) Where a register of copyright in books is kept under the authority of the government of a British possession, an extract from that register purporting to be certified as a true copy by the officer keeping it, and authenticated by the public seal of the British possession, or by the official seal or the signature of the governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession, shall be admissible in evidence of the contents of that register, and all courts shall take judicial notice of every such seal and signature, and shall admit in evidence, without further proof, all documents authenticated by it.

(3) Where before the passing of this Act an Act or ordinance has been passed in any British possession respecting copyright in any literary or artistic works, Her Majesty in Council may make an Order modifying the Copyright Acts and this Act, so far as they apply to such British possession, and to literary and artistic works first produced therein, in such manner as to Her Majesty in Council seems expedient.

(4) Nothing in the Copyright Acts or this Act shall prevent the passing in a British possession of any Act or ordinance respecting the copyright within the limits of such possession of works first produced in that possession.

9. Where it appears to Her Majesty expedient that an Order in Council under the International Copyright Acts made after the passing of this Act as respects any foreign country, should not apply to any British possession, it shall be lawful for Her Majesty by the same or any other Order in Council to declare that such Order and the International Copyright Acts and this

Act shall not, and the same shall not, apply to such British possession, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order; and the expressions in the said Acts relating to Her Majesty's dominions shall be construed accordingly; but save as provided by such declaration the said Acts and this Act shall apply to every British possession as if it were part of the United Kingdom.

10. (1) It shall be lawful for Her Majesty from time to time to make Orders in Council for the purposes of the International Copyright Acts and this Act, for revoking or altering any Order in Council previously made in pursuance of the said Acts, or any of them.

(2) Any such Order in Council shall not affect prejudicially any rights acquired or accrued at the date of such Order coming into operation, and shall provide for the protection of such rights.

11. In this Act, unless the context otherwise requires—

The expression "literary and artistic work" means every book, print, lithograph, article of sculpture, dramatic piece, musical composition, painting, drawing, photograph, and other work of literature and art to which the Copyright Acts or the International Copyright Acts, as the case requires, extend.

The expression "author" means the author, inventor, designer, engraver, or maker of any literary or artistic work, and includes any person claiming through the author; and in the case of a posthumous work means the proprietor of the manuscript of such work and any person claiming through him; and in the case of an encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, includes the proprietor, projector, publisher, or conductor.

The expressions "performed" and "performance" and similar words include representation and similar words.

The expression "produced" means, as the case requires, published or made, or, performed or represented, and the expression "production" is to be construed accordingly.

The expression "book published in numbers" includes any review, magazine, periodical work, work published in a series of books or parts, transactions of a society or body, and other books of which different volumes or parts are published at different times.

The expression "treaty" includes any convention or arrangement.

The expression "British possession" includes any part of Her Majesty's dominions exclusive of the United Kingdom; and where parts of such dominions are under both a central and a local legislature, all parts under one central legislature are for the purposes of this definition deemed to be one British possession.

12. The Acts specified in the Third Schedule to this Act are hereby repealed as from the passing of this Act to the extent in the third column of that schedule mentioned:

Provided as follows :

- (a) Where an Order in Council has been made before the passing of this Act under the said Acts as respects any foreign country the enactments hereby repealed shall continue in full force as respects that country until the said Order is revoked.
- (b) The said repeal and revocation shall not prejudice any rights acquired previously to such repeal or revocation, and such rights shall continue and may be enforced in like manner as if the said repeal or revocation had not been enacted or made.

### FIRST SCHEDULE.

#### INTERNATIONAL COPYRIGHT ACTS.

##### PART I.

Session and Chapter.	Title.	Short Title.
7 & 8 Vict. c. 12.	An Act to amend the law relating to International Copyright.	The International Copyright Act, 1844.
15 & 16 Vict. c. 12.	An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright in engravings.	The International Copyright Act, 1852.
38 & 39 Vict. c. 12.	An Act to amend the law relating to International Copyright.	The International Copyright Act, 1875.

##### PART II.

Session and Chapter.	Title.	Enactments referred to.
25 & 26 Vict. c. 68.	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	Section twelve.

### SECOND SCHEDULE.

#### COPYRIGHT ACTS.

Session and Chapter.	Title.	Short Title.
8 Geo. 2, c. 13.	An Act for the encouragement of the arts of designing, engraving, and etching, historical, and other prints by vesting the properties thereof, in the inventors and engravers during the time therein-mentioned.	The Engraving Copyright Act, 1734.
7 Geo. 3, c. 38.	An Act to amend and render more effectual an Act made in the eighth year of the reign of King George the Second, for encouragement of the arts of designing, engraving, and etching, historical and other prints, and for vesting in and securing to Jane Hogarth, widow, the property in certain prints.	The Engraving Copyright Act, 1766.
15 Geo. 3, c. 53.	An Act for enabling the two Universities in England, the four Universities in Scotland, and the several Colleges of Eton, Westminster, and Winchester, to hold in perpetuity their copyright in books given or bequeathed to the said universities and colleges for the advancement of usefull earning and other purposes of education; and for amending so much of an Act of the eighth year of the reign of Queen Anne, as relates to the delivery of books to the warehouse-keeper of the Stationers' Company for the use of the several libraries therein mentioned.	The Copyright Act, 1775.

Session and Chapter.	Title.	Short Title.	Session and Chapter.	Title.	Short Title.
17 Geo. 3, c. 57.	An Act for more effectually securing the property of prints to inventors and engravers by enabling them to sue for and recover penalties in certain cases.	The Prints Copyright Act, 1777.	25 & 26 Vict. c. 68.	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	The Fine Arts Copyright Act, 1862.
54 Geo. 3, c. 56.	An Act to amend and render more effectual an Act of His present Majesty for encouraging the art of making new models and casts of busts and other things therein mentioned, and for giving further encouragement to such arts.	The Sculpture Copyright Act, 1814.	<p style="text-align: center;">THIRD SCHEDULE.</p> <p style="text-align: center;">ACTS REPEALED.</p>		
3 Will. 4, c. 15.	An Act to amend the laws relating to Dramatic Literary Property.	The Dramatic Copyright Act, 1833.			
5 & 6 Will. 4, c. 65.	An Act for preventing the publication of Lectures without consent.	The Lectures Copyright Act, 1835.	7 & 8 Vict. c. 12.	An Act to amend the law relating to international copyright.	Sections four-teen, seven-teen, and eighteen.
6 & 7 Will. 4, c. 69.	An Act to extend the protection of copyright in prints and engravings to Ireland.	The Prints and Engravings Copyright Act, 1836.	15 & 16 Vict. c. 12.	An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright engravings.	Sections one to five both inclusive, and sections eight and eleven.
6 & 7 Will. 4, c. 110.	An Act to repeal so much of an Act of the fifty-fourth year of King George the Third, respecting copyrights, as requires the delivery of a copy of every published book to the libraries of Sion College, the four Universities of Scotland, and of the King's Inns in Dublin.	The Copyright Act, 1836.	25 & 26 Vict. c. 68.	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	So much of section twelve as incorporates any enactment repealed by this Act.
5 & 6 Vict. c. 45.	An Act to amend the law of copyright.	The Copyright Act, 1842.	<p style="text-align: center;">The 8th October, 1886.</p> <p style="text-align: center;">No. 17.—The following Statute is published for general information :—</p> <p style="text-align: center;">49 &amp; 50 VICTORIA, CAP. 8.</p> <p style="text-align: center;">An Act to provide, during twelve months, for the Discipline and Regulation of the Army.</p> <p style="text-align: right;">[16th April, 1886.]</p> <p>WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:</p> <p>And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the</p>		
10 & 11 Vict. c. 95.	An Act to amend the law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom.	The Colonial Copyright Act, 1847.			

safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-one thousand eight hundred and sixty-seven men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the Government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act, 1881, will expire in the year one thousand eight hundred and eighty-six on the following days:

- (a) in the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and
- (b) elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and
- (c) elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Army (Annual) Act, 1886.

2. (1) The Army Act, 1881, shall be and remain in force during the periods herein after

mentioned, and no longer, unless otherwise provided by Parliament: that is to say,

- (a) within the United Kingdom, the Channel Island, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-six to the thirtieth day of April one thousand eight hundred and eighty-seven, both inclusive; and
- (b) elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and eighty-six to the thirty-first day of July one thousand eight hundred and eighty-seven, both inclusive; and
- (c) elsewhere whether within or without Her Majesty's dominions from the thirty-first day of December one thousand eight hundred and eighty-six to the thirty-first day of December one thousand eight hundred and eighty-seven, both inclusive;

and the day from which the Army Act, 1881, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2) The Army Act, 1881, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act, 1881, by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act, 1881, the prices specified in the Schedule to this Act.

#### *Amendments of Army Act, 1881.*

4. Whereas under section forty-one of the Army Act, 1881, sub-section five, a person subject to military law is liable, if convicted by court-martial of any offence not before in the said Act particularly specified, which when committed in England is punishable by the law of England, to suffer such punishment as in the said section mentioned:

And whereas doubts frequently arise to whether an offence punishable by the law of England is or is not before in the said Act particularly specified, and it is expedient to prevent such doubts: Be it therefore enacted as follows:—

The words "not before in this Act particularly specified" shall be omitted from sub-section five of section forty-one of the Army Act, 1881.

5. Whereas sub-section one of section seventy of the Army Act, 1881, provides that "Her Majesty may, by rules to be signed under the hand of a Secretary of State, from time to time make" provisions in respect of various matters relating to courts-martial, including "the confirmation and revision of the findings and sentences of courts-martial":

And whereas in some cases the conviction by court-martial of a person subject to military law is valid, but the sentence by reason of being in excess of what is authorised by law or otherwise, is invalid, and doubts have arisen as to whether the said rules can extend to the making of provisions for the passing of a valid sentence in such a case, and with a view to prevent miscarriage of justice it is expedient to remove such doubts: Be it therefore enacted as follows:—

In sub-section one of section seventy of the Army Act, 1881, there shall be inserted after the words "revision of the findings and sentences of courts-martial" the words "and enabling the authority having power under section fifty-seven of this Act to commute sentences to substitute a valid sentence for an invalid sentence of a court-martial."

6. Whereas by section eighty-four of the Army Act, 1881, provision is made respecting the re-engagement of "a soldier of the regular forces, if in army service, and within three years of the completion of his original term of enlistment," and doubts have arisen as to the computation of the said three years, and it is expedient to remove such doubts: Be it therefore enacted as follows:—

In section eighty-four of the Army Act, 1881, the words "after the expiration of nine years from the date of his original term of enlistment" shall be substituted for the words "within three years of the completion of his original term of enlistment."

7. Whereas the twelfth sub-section of section one hundred and seventy-nine of the Army Act, 1881, as amended by section seven of the Army (Annual) Act, 1884, is as follows:—

"Nothing in the provisions of this Act relating to the term of enlistment, to the conditions of service, to appointment or transfer, to transfer to the reserve, to the re-engagement or prolongation of service, or to forfeiture of service of a soldier of the regular forces, or to the rules for reckoning service for discharge or transfer to the reserve, shall apply to the Royal Marines.

"Save that if regulations made by a Secretary of State and the Admiralty provide for the transfer of men of the Royal Marines to any other part of Her Majesty's regular forces, a man of the Royal Marines may, with his consent, be so transferred in accordance with the said regulations, and subject to those regulations shall become a soldier of the said part of Her Majesty's regular forces in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of this Act."

And whereas it is expedient to provide for the transfer to the Royal Marines of men belonging to other portions of Her Majesty's regular forces: Be it therefore enacted as follows:—

There shall be added to section one hundred and seventy-nine of the Army Act, 1881, at the end of the said twelfth sub-section, the following enactment:—

And save that if any regulations so made provide for the transfer to the Royal Marines of men belonging to any other part of Her Majesty's regular forces, a man belonging to such part may, with his consent, be so transferred in

accordance with the said regulations, and, subject to those regulations, shall become a man of the Royal Marines in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of the Acts relating to the Royal Marines.

8. Whereas section one hundred and eighty-two of the Army Act, 1881, provides that a warrant officer not holding an honorary commission shall not be tried by a regimental court-martial nor sentenced by a district court-martial to any punishment not in this section mentioned and (by sub-section two) provides that "without prejudice to any other power of a court-martial he may be sentenced by a court-martial other than a regimental court-martial to be dismissed from the service," and to the other punishments in that sub-section mentioned:

And whereas those punishments, though including reduction to the ranks, do not include the lower punishment of forfeitures, fines, and stoppages, and it is expedient to include the same, and to remove doubts as to the meaning of the words "without prejudice to any other power of a court-martial": Be it therefore enacted as follows:—

In sub-section two of section one hundred and eighty-two of the Army Act, 1881, the following words:

"Without taking away any power of a court-martial, other than a district court-martial, he may be sentenced by any court-martial having power to try him to such forfeitures, fines, and stoppages as are allowed by this Act either in addition to or without any other punishment, and also to be dismissed from the service,"

shall be substituted for the above recited words in the said sub-section.

9. Whereas in the Army Act, 1881, reference is made to the Naval Discipline Act, 1866:

And whereas by the Naval Discipline Act, 1884, the "Naval Discipline Act" is made the short title of the Naval Discipline Act, 1866, as amended by the Naval Discipline Act, 1884: Be it therefore enacted as follows:—

In the Army Act, 1881, the figures "1866" shall be omitted after the words "Naval Discipline Act," wherever these words occur.

#### SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Two pence, halfpenny per night.
Hot meal as specified in Part I, of the Second Schedule to the Army Act, 1881.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Four pence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and nine pence per day.
Lodging and attendance for officer	Two shillings per night.

*Note.*—An officer shall pay for his food.

S HARVEY JAMES,

*Offg. Secretary to the Government of India.*

## HOME DEPARTMENT.

## NOTIFICATIONS.—PUBLIC.

*Simla, the 4th October, 1886.*

No. 1572.—The following Resolution is published for general information :

No. <sup>34</sup>  
1573—98.

*Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Simla, the 4th October, 1886.*

## RESOLUTION.

A prolonged correspondence has taken place with Her Majesty's Government on the subject of the system under which Natives of India are admitted either to the Covenanted Civil Service under the Statute 21 & 22 Vic., cap. 106, section 32, or under the Statute 33 Vic., cap. 3, section 6, to offices formerly reserved exclusively to members of that Service. As a result of this correspondence, Her Majesty's Secretary of State has recently accepted a suggestion made by the Government of India that the question of the admission of Natives of India to such service and offices should be reopened and carefully considered, and has requested that a Commission should be appointed in India for that purpose. He has also expressed a desire that the enquiry to be made by the Commission should extend, not only to the admission of Natives to the offices referred to above, but to their employment in all branches of the public service connected with the civil administration of the country. From the subjects to be referred to the Commission, all questions connected with the conditions on which English candidates are admitted to the Indian Civil Service examination in England are excluded.

In regard to the constitution of the Commission, the Secretary of State indicates his view that it should include a proportion of Native members, which may sufficiently represent the different classes and modes of thought in India, and that it should also include a trained English lawyer, if possible, of judicial experience. In regard to its object, the Commission would, broadly speaking, be required to devise a scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher and more extensive employment in the public service. The Governor-General in Council fully and cordially accepts this decision, and in accordance therewith has resolved to appoint a Commission for the purpose of giving effect to it. In making the suggestion which has now resulted in this decision, the Government of India expressed the belief that any scheme to be entirely satisfactory would require parliamentary legislation hereafter. It may be further remarked that the investigations of the Commission now to be constituted will be preparatory to the Parliamentary enquiry into Indian affairs which it is the intention of Her Majesty's Government to undertake at an early date.

2. As regards the composition of the Commission, the Governor-General in Council, in view of the scope of the enquiry and the magnitude and variety of the interests involved, considers that the matter can be best dealt with by a Commission consisting of about fifteen members, including the President, for which office His Excellency in Council has selected the Hon'ble Sir Charles Aitchison, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab. The Governments of Madras, Bombay, Bengal, and the North-Western Provinces with Oudh will each be invited to submit the names of three officers whose personal experience of the actual working of district administration (including as far as possible in that term both executive and judicial branches) has been sufficiently varied and extensive to entitle them to speak with authority upon that subject for their own Provinces. From the names thus submitted the Governor-General in Council will select a representative for each of the four Provinces above mentioned. The Punjab will be represented by the President. With a view to ensure the proper representation of Native opinion on the Commission, the Local Governments named should at

once take such steps as may in their opinion be necessary to ascertain the persons regarded as most completely representative of Native opinion, and as commanding the widest confidence amongst their fellow-countrymen; and the Governor-General in Council would be glad to be furnished as soon as may be found possible by each of the above Local Governments with the names of not less than three gentlemen, being natives of the Province concerned, who are considered best fitted to represent on the Commission the several classes and modes of thought in the Province. From the names so submitted, His Excellency in Council will choose four Provincial representatives, and he will also reserve the power of making, after due consideration and enquiry, additional nominations, with a view to the more complete representation of Native views. A representative of the non-official European and of the Eurasian community respectively will be selected by the Governor-General in Council, and to this end the Local Governments mentioned above are requested to submit the names of the gentlemen who, in their opinion, would best represent the views of those communities respectively. His Excellency will also appoint a delegate on behalf of the Government of India and a trained English lawyer of judicial experience. The duties of Secretary of the Commission will be performed by Mr. F. C. Daukes, one of the Under-Secretaries to the Government of India, who will be specially deputed for this purpose.

3. The enquiry is to embrace the employment of Natives of India not only in appointments ordinarily reserved by law for members of the Covenanted Civil Service, but also in the Uncovenanted Service generally, including in this term the lower administrative appointments, executive and judicial, and all special Departments connected with the civil administration of the country. The enquiry thus contemplated is not only one of great magnitude and importance, but such as requires a careful preliminary collection of facts. Such an investigation has already been made in regard to the class of appointments hitherto ordinarily reserved for the Covenanted Civil Service and in regard to uncovenanted executive and judicial posts; but no such investigation has been prosecuted in the case of other branches of the public service. For these reasons, and also because the constitution of a Commission, settled rather with reference to the considerations likely to arise in connection with the posts above referred to, might not be altogether suitable for an enquiry into special branches of the public service, it seems desirable that the two matters should be separately dealt with. For the present, accordingly, the Government of India thinks it well that the Commission should direct its attention mainly to the question of the conditions under which Natives of India should be employed in the posts which are ordinarily reserved for the Covenanted Service, and to questions relating to the admission of Natives of India and Europeans respectively to those branches of the Uncovenanted Service which are directly engaged in the executive and judicial administration of the country. The enquiry in regard to other branches of the public service will thus be postponed until the more important question has been dealt with. It may afterwards be convenient to reconstitute the Commission with a view to enable it to deal with the remaining questions, which are more or less technical in their character, and for a proper settlement of which it is essential that recourse should be had to the professional opinion of experts.

4. With reference to the preliminary collection of facts declared in the foregoing paragraph to be a necessary preparatory step in this enquiry, it must here be stated that the question of the proper strength of the Covenanted Service has already formed the subject of careful examination, and important decisions upon it have been arrived at by the Government of India in communication with Her Majesty's Secretary of State. All relevant papers bearing on this question will be laid before the Commission, and it is believed that, in view of the discussions which have already taken place, and the conclusions which have been come to, there will be no necessity to go over the same ground again. The Commission, however, is not precluded from reviewing the facts thus collected or the conclusions thus arrived at. Accordingly, should it find in the course of its investigations reason for thinking that a further limitation in the number of posts reserved by law for the Covenanted Service is desirable, or that the larger employment of Natives of India in particular offices or classes of offices connected with the civil administration not now usually held by

them may be conducive to the public good, either absolutely or on condition of the freer admission of Europeans to offices from which they in their turn are now excluded, it will not be debarred from submitting any recommendations it may desire on such points. These, however, should be regarded as supplementary points, and the most important duty of the Commission in this portion of its enquiries will be to consider the means best adapted to secure the admission of competent Natives of each Province of India to such full proportion of the Covenanted Service employed in that Province as may not under the orders of Her Majesty's Government be reserved for Europeans.

5. As regards the scope of the enquiry to be entrusted to the Commission, it may further be stated that the investigation should not be confined to the rules framed under the Statute 33 Vic., cap. 3, section 6, but should be instituted with a view to Parliamentary legislation, if necessary. It is not possible to specify at the present moment with any approach to completeness the various points which should come under the consideration of the Commission, but attention may be drawn to the great importance of conducting a careful enquiry into the evidence as to the existence and extent of any dissatisfaction which may be felt by the Native community in regard to the existing Statutory Service; into the grounds upon which any such feeling, if it prevails, is based; into the question whether it is the Statute of 1870 itself that is objected to, or the rules framed under it; and into the results of the selections made under the Statute. It may be observed that the Statute of 1870 is one of remarkable breadth and liberality; that it empowers the Government of India and the Secretary of State acting together to frame rules under which Natives of India may be admitted to any of the offices hitherto reserved to the Covenanted Civil Service; and that it would appear that there is practically no method of selecting Natives for higher employment in India which its provisions would not allow to be attempted. The grounds therefore of any objection to a Statute of this character require careful scrutiny.

6. It has been suggested that the Act of 1870 is open to objection, because it admits persons to specific appointments only, and not to membership in an organized "Service." The reasons for this desire to be enrolled in a Service should be fully weighed, and it should be considered how far the privileges of pay, promotion, and retiring annuity, which Indian public servants enjoy through belonging to the Covenanted Civil Service, and the conditions generally under which they hold their offices, are suitable to Natives of India obtaining office under the Statutory Rules. It appears to be expressly suggested that the Act of 1870 is unpopular, because a person appointed under it draws, according to the rules laid down, pay at a lower rate than if he were a member of the Indian Civil Service appointed after competition in London. This point will require serious consideration from the Commissioners, because, among other reasons, it raises an important question as to the financial saving, which it is generally supposed will arise from the more extensive employment of Native gentlemen in the public service.

7. If it be found on enquiry that it is the Statutory Rules which excite dissatisfaction and not the Statute itself, the grounds of such dissatisfaction should be closely examined. It will be most useful to ascertain, for example, whether the communities of the various Provinces, and especially the classes from which Native public servants are commonly drawn, disapprove of selection in any form, with or without probation; whether competition of some sort is the only mode of selection which commends itself to them; and whether they think that a combination of both systems possesses advantages, more especially with regard to the promotion to higher office of deserving members of the subordinate executive and judicial services. It is scarcely necessary to remark that in a country of such extent as India, inhabited by a population so vast and various, and of such unequal civilization, the evidence taken on these points, to be of real value, should be collected over a wide area and from numerous classes of people.

8. In connexion with the question whether or not it is desirable that there should be a competitive examination in England for Natives of India, the Commission will no doubt fully examine into and report on the advantages and disadvantages of competitive selection in India, on the conditions of such competition, on the view which is likely to be taken of such a system by the Native

community at large, and on the desirability or otherwise of requiring or encouraging candidates selected in India to proceed to England with a view to passing there a period of probationary training. If the Commissioners are favourable to the maintenance, substantially, of the present system, which permits Natives to compete in England, it will be necessary to enquire what are the limits of age for Native candidates, and what the changes (if any) in the character of their examination which the Commissioners would recommend. It has already been stated that no question regarding English candidates is referred to the Commission; but, in view of the difficulty of reconciling the systems which are respectively best adapted to the two classes, and supposing that the Commission decide on recommending the maintenance of the present system of competitive examination in England, the Commissioners should give special attention to a suggestion made by the Bengal Government that the number of Native probationers to be selected by competitive examination in London should be first fixed, and that the Native candidates should be selected by an examination separate from that of the Europeans, and especially adapted as regards limits of age and otherwise to the conditions of Natives of India.

9. With regard to the question of affording facilities to Natives of India to proceed to England to compete for the Indian Civil Service, the Commissioners will doubtless be able to obtain much valuable evidence from an enquiry on the following points: (1) whether there is reason to believe that the young Natives obtained under the existing system of the open competition in England for the public service in India are the best as regards character and capacity who could be got for it under any system; (2) whether such a system is favourably looked upon by large and important classes in India; and (3) what is the relative weight to be attached to recent representations which affirm the general willingness of Indian youths to cross the sea for education, and to others which as strongly deny it. The British Indian Association, for example, appears to have said in a petition to Parliament that "a journey to England entails not only expense and hardship, but the loss of social position to all but the small minority who break with Indian society from personal motives, and are unable to faithfully reflect its sentiments by reason of their isolation."

10. In conclusion, the Governor-General in Council would observe that he has no desire to fetter the discretion of the Commission as to the particular method of enquiry which it desires to pursue. The correspondence which has taken place with Her Majesty's Secretary of State and with Local Governments and Administrations on the subject of the Statute of 1870 and the Rules framed thereunder will be placed at the disposal of the Commission, and, with this correspondence before it, it will devolve upon the Commission to determine the particular method or methods of enquiry which may be best calculated to effect the object which the Government has in view.

A complete list of the names of the members composing the Commission will be published in a subsequent Resolution.

ORDER.—Ordered, that a copy of the above Resolution be forwarded to the Local Governments and Administrations marginally noted, with the request that due facilities may be afforded to the Commission in the discharge of the duties entrusted to it. The attention of

Madras.	Central Provinces.
Bombay.	Burma.
Bengal.	Assam.
N. W. P. and Oudh.	Coorg.
Punjab.	Hyderabad.

the Governments of Madras, Bombay, Bengal, and the North-Western Provinces and Oudh is at the same time invited to the instructions contained in paragraph 2 of the Resolution.

Superintendent of Port Blair and the Nicobars.	Registrar of the Calcutta University.
Sanitary Commissioner with the Government of India.	Registrar of the High Court, Calcutta.
Surgeon-General with the Government of India.	Director General of Statistics to the Government of India.
Secretary to the Board of Examiners.	Director General of the Archaeological Survey of India.

Ordered also, that a copy of the Resolution be forwarded to the several Departments of the Government of India for information and communication to the Heads of Departments subordinate to them; and that copies be forwarded to the officers noted in the margin.

Ordered further, that a copy of the Resolution be forwarded to the Hon'ble Sir Charles Aitchison, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab, for information.

## ESTABLISHMENTS.

*The 4th October, 1886.*

No. 332.—The Governor-General in Council has been pleased, under the provisions of the Act 24 & 25 Vic., Cap. 67, Section 27, to appoint the HONOURABLE JAMES BRAITHWAITE PEILE, M.A., C.S.I., Member of the Council of His Excellency the Governor of Bombay, to act temporarily as an Ordinary Member of the Council of the Governor-General in the place of the Honourable Sir S. C. Bayley, K.C.S.I., C.I.E., who has been granted leave of absence on medical certificate for six months. The HONOURABLE MR. PEILE has this day, in the forenoon, taken his seat in the said Council of the Governor-General under the usual salute.

*The 7th October, 1886.*

No. 334.—The Hon'ble C. D. Field, M.A., LL.D., a Judge of the High Court of Judicature at Fort William in Bengal, is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 7th March, 1886.

## MEDICAL.

*The 6th October, 1886.*

No. 514.—The services of Surgeon-Major B. Franklin, Joint Medical Officer in charge of Simla, are temporarily placed at the disposal of the Government of the Punjab, with effect from the 4th November, 1886.

## PORT BLAIR.

*The 8th October, 1886.*

No. 677.—The furlough for one year granted to Mr. M. V. Portman, Extra Assistant Superintendent, 1st Class, Port Blair and the Nicobars, by Home Department Notification No. 629, dated the 13th ultimo, is hereby cancelled.

## PATENTS.

*The 2nd. October, 1886.*

No. 1225.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 58 of 1886.—John Johnston, late Major, 2nd Battalion, 24th Regiment, of "Chelmsford" Estate, Mettappollum, Madras, at present residing at Chandernagore, for an improved method and portable apparatus for crushing and extracting fibre from various fibre plants, more especially of the plantain and pineapple family.

No. 122 of 1886.—Thomas William Worsdell, Engineer, of Gateshead on Tyne, in the County of Durham, England, for improvements in compound locomotive and other steam-engines.

No. 166 of 1886.—Edward John Houghton, of Pilkington Road, Peckham, in the County of Surrey, England, Electrical Engineer, for improvements in lighting railway trains by electricity and in apparatus for that purpose.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

## NOTIFICATION.—SURVEYS.

*Simla, the 8th October, 1886.*

No. 840—17-21 S.—Mr. T. A. Pope, Assistant Superintendent, 1st Class, Madras Survey, is appointed Assistant Superintendent, 2nd Grade, in the Survey of India Department, with effect from the 1st instant.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 5th October, 1886.*

No. 1800 G.—The services of Captain R. G. Jones, M.S.C., 1st Madras Lancers, and Staff Officer and Adjutant, Mysore Silladar Horse, are replaced at the disposal of the Commander-in-Chief, Madras, with effect from the date on which he may be relieved of his duties.

*The 6th October, 1886.*

No. 1003 G.—In Foreign Department Notification, No. 1652G., dated the 19th August, 1886, for "Muhammad Umrao Ali Khan," read "Muhammad Murad Ali Khan."

*The 7th October, 1886.*

**No. 1914 G.**—The following reversions and postings will take place consequent on the return from furlough of Mr. J. G. Cordery, C.S., Resident of the 1st Class and Resident at Hyderabad :—

Colonel E. C. Ross, C.S.I., officiating Resident of the 1st Class, and officiating Resident at Hyderabad, reverts to his substantive appointment of Resident of the 2nd Class and Resident in the Persian Gulf.

Lieutenant-Colonel S. B. Miles, officiating Resident of the 2nd Class and officiating Resident in the Persian Gulf, reverts to his substantive grade of Political Agent of the 1st Class, and is posted as Political Agent at Muscat.

Lieutenant-Colonel E. Mockler, officiating Political Agent of the 1st Class and Political Agent at Muscat, reverts to his substantive grade of Political Agent of the 2nd Class, and is posted as Assistant Political Agent at Basra.

Captain H. M. Temple, officiating Political Agent of the 2nd Class, reverts to officiating Political Agent of the 3rd Class.

Mr. P. J. C. Robertson, officiating Political Agent of the 3rd Class, and Assistant Political Agent at Basra, reverts to his substantive grade of Political Assistant of the 1st Class, and is posted as First Assistant to the Political Resident in the Persian Gulf.

Lieutenant P. J. Melvill, Political Assistant of the 1st Class, sub. *pro tem.*, reverts to Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant L. S. Newmarch, Political Assistant of the 2nd Class, sub. *pro tem.*, reverts to officiating Political Assistant of the 2nd Class.

Lieutenant W. C. R. Stratton, officiating Political Assistant of the 2nd Class, reverts to Political Assistant of the 3rd Class, sub. *pro tem.*

Lieutenant A. F. Pinhey, Political Assistant of the 3rd Class, sub. *pro tem.*, reverts to officiating Political Assistant of the 3rd Class.

**No. 1926 G.**—The Governor-General in Council is pleased to recognize the appointment of Mr. Francisco Celestino Feliciano de Menezes, as Acting Consul for Portugal in British India, at Bombay, during the absence of Mr. F. M. doCanto.

*The 1st October, 1886.*

**No. 3538 I.**—In modification of the Notification of the Government of India in the Foreign Department, No. 529 I., dated the 1st March, 1883, the Governor-General in Council is pleased to extend the provisions of Chapter XLV of the Code of Civil Procedure, so far as they are applicable, to the Civil and Military Station of Bangalore.

*The 8th October, 1886.*

**No. 1695 F.**—His Excellency the Viceroy and Governor-General is pleased to confer upon Sardar Muhammad Afzal Khan, C.S.I., Khan

Bahadur, Ressaider in the 11th (Prince of Wales's Own) Bengal Lancers, and Aide-de-Camp to the Viceroy, the title of "Nawab" as a personal distinction.

H. M. DURAND,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 7th October, 1886.*

**No. 3556.**—Major A. W. Baird, R.E., officiating Mint Master, Calcutta, having been appointed to officiate as Mint Master, Bombay, and Surgeon-Major J. Scully having been appointed to hold charge of the current duties of the office of Mint Master, Calcutta, in addition to his own duties, Major Baird made over and Surgeon-Major Scully received charge of the Calcutta Mint after noon on the 1st October, 1886.

### CODES.

*The 6th October, 1886.*

**No. 3536.**

#### CIVIL PENSION CODE.

PAGE 39.

Section 82.

*Exception.*

\* Before the word "establishments" in line 1 of this Exception, add the following words  
"and district gardens"

### SEPARATE REVENUE.

#### ASSESSED TAXES.

##### INCOME TAX.

*The 8th October, 1886.*

**No. 3567.**—In exercise of the powers conferred by Section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under that Act during the year ending the 31st March, 1887, all persons (other than servants of the Government or of a local authority) residing in the town or fort of Jhansi or in any of the lands which may be ceded to the British Government in accordance with the proposal referred in the preamble to Part I of the Jhansi and Morar Act, XVII of 1886, whose annual income from all sources is less than one thousand rupees.

J. F. FINLAY,

*Offg. Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 8th October, 1886.*

## APPOINTMENTS.

## No. 662.—ADJUTANT-GENERAL'S DEPARTMENT—

Colonel H. M. Evans, Deputy-Assistant Adjutant-General, to be Assistant Adjutant-General, *vice* Lieutenant-Colonel N. R. Stewart, whose tenure of appointment has expired. Dated 6th September, 1886.

## No. 663.—DIVISIONAL STAFF—

Major-General His Royal Highness the Duke of Connaught and Strathearn, K.G., K.T., K.P., G.C.S.I., G.C.M.G., C.B., to the divisional staff of the army, *vice* Lieutenant-General Sir M. A. S. Biddulph, K.C.B., who has resigned that appointment. Dated 27th September, 1886.

## ORDNANCE DEPARTMENT.

No. 664.—Colonel H. McLeod, R.A., Superintendent, Gun Carriage Factory, Madras, to be Inspector-General of Ordnance, Madras, *vice* Major-General S. H. E. Chamier, C.B., R.A., whose tenure of appointment has expired. Dated 23rd September, 1886.

No. 665.—Lieutenant A. L. M. Turner, R.A., Commissary of Ordnance, 4th Class, to be Commissary of Ordnance, 3rd Class, *seconded*.

Captain W. G. Massy, R.A., Commissary of Ordnance, 4th Class, to be Commissary of Ordnance, 3rd Class, with effect from 19th September, 1886, *vice* Captain C. P. Triscott, R.A., Commissary of Ordnance, 3rd Class, resigned.

## No. 666.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Henry Arthur Merewether, South Yorkshire Regiment, Squadron Officer, 7th Bengal Cavalry,—7th January, 1885.

Lieutenant Robert Rundall Swinton, Derbyshire Regiment, Wing Officer, 19th Bengal Infantry,—21st March, 1885.

Lieutenant Francis Hardinge Elliott, Norfolk Regiment, Wing Officer, 25th Bengal Infantry,—3rd August, 1885.

## FURLOUGH AND LEAVE.

No. 667.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Colonel F. S. Stanton, R.E., Director-General of Railways and Deputy Secretary to the Government of India, Public Works Department, (p. a.) for 182 days, under rule IX of the regulations of 1868.

No. 668.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Major C. C. Brownlow, Bengal S. C., Wing Commander, 1st Sikh Infantry, Punjab

Frontier Force, (p. a.) for one year. Pension-service,—twenty-five years and 115 days.

Captain H. H. R. Heath, Bengal S. C., Squadron Commander, 11th (Prince of Wales's Own) Bengal Lancers, (p. a.) for one year. Pension-service,—fourteen years and 35 days.

No. 669.—Surgeon-Major R. Reid has been granted by the Secretary of State for India an extension of furlough (m. c.) for six months.

## LONDON GAZETTE.

No. 670.—The following extract is published for general information:—

"*London Gazette*," dated the 7th September, 1886, page 4330.

"WAR OFFICE,  
Pall Mall, 7th September, 1886.

## MEMORANDA.

## INDIAN LOCAL SERVICE.

Colonel Alexander Gordon Duff, Madras Infantry, has been transferred to the Unemployed Supernumerary List. Dated 13th August, 1885.

Deputy-Commissary and Honorary-Lieutenant James Wright, Bombay Establishment, to have the honorary rank of Captain. Dated 1st August, 1885.

Deputy Assistant-Commissary Charles Duke, Bombay Establishment, to have the honorary rank of Lieutenant. Dated 1st August, 1885."

## PROMOTIONS.

No. 671.—The following promotions are made, subject to Her Majesty's approval:—

## BENGAL STAFF CORPS.

*To be Lieutenant-Colonels.*

Major Charles John Walter,—2nd October, 1886.

Major Montague Jocelyn King-Harman,—2nd October, 1886.

*To be Majors.*

Captain and Brevet-Major Alexander Thomas Seton Abercromby Rind,—2nd October, 1886.

Captain Herbert Anthony Sawyer,—2nd October, 1886.

## BENGAL ARMY.

*To be Colonel.*

Lieutenant-Colonel and Colonel William Reid Martin, Bengal Infantry,—5th October, 1886.

*To be Lieutenant-Colonel.*

Major and Colonel Robert Francis Christopher Alexander Tytler, General List, Infantry,—2nd October, 1886.

## No. 672.—NATIVE ARMY—

*14th Bengal Lancers.*

Jemadar Jawáhir Singh to be Ressaidar, and Kot-Duffadar Umrao Singh to be Jemadar, *vice* Ressaidar Cháin Sūk, deceased, with effect from the 9th August, 1886.

*16th Bengal Cavalry.*

Duffadar Rústam Singh, from the 6th Bengal Cavalry, to be Jemadar, to fill an existing vacancy, with effect from the 8th October, 1886.

## RETIREMENTS.

No. 673.—Colonel Charles Lorrain Woodruffe, Bengal S. C., is permitted to retire from the service, with effect from the 19th October, 1886, subject to Her Majesty's approval.

## MILITARY WORKS DEPARTMENT.

## PROMOTIONS.

No. 674.—The following temporary promotions are made in the Engineer Establishment of the Military Works Department, with effect from the dates specified :

Names.	From	To	With effect from
Lieutenant J. A. Tanner, R.E.	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade	13th July, 1886.
Lieutenant H. F. Chesney, R.E.	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	19th July, 1886.

## MARINE DEPARTMENT.

## FURLOUGH AND LEAVE.

No. 40.—The undermentioned officers of Her Majesty's Indian Marine have been granted extensions of furlough by the Secretary of State for India:

Captain W. C. Hotham, (m. c.) for six months.  
Mr. J. Balbi, Engineer, (m. c.) for six months.  
Mr. A. J. Miller, Engineer, (m. c.) for six months.

O. R. NEWMARCH, *Major-General,*

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

## NOTIFICATION.

*Simla, the 8th October, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned warrant officer, on the date specified was received in the Military Department between the 2nd and the 8th October, 1886.

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Subordinate Medical Department.	Assistant-Apothecary H. R. W. Ewart.	29th August, 1886.	Sibi ...	...	

O. R. NEWMARCH, *Major-General,*

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 4th October, 1886.*

No. 249.—The following sanction by the Right Honorable the Secretary of State from Productive Public Works Funds is published for general information: this sanction is in supersession of that conveyed in Despatch No. 60 (Public Works) of 3rd November, 1881:

	Sanction by Secretary of State.		Sanction as subsequently revised by Government of India.		Despatch of Secretary of State conveying sanction to classification of work as Productive Public Work.		Remarks.
	Direct outlay.	Indirect outlay.	Direct outlay.	Indirect outlay.	No.	Date.	
	Rs.	Rs.					
PUNJAB. Sirhind Canal Project.	3,65,04,100	12,55,400	...	...	30 P. W.	12th August, 1886.	

*The 5th October, 1886.*

No. 251.—Mr. T. Moss, Examiner of Public Works Accounts, Punjab, retired from the service, with effect from the 20th September, 1886, in terms of Section 110, Rule 9A, Note 3, of the Civil Pension Code.

No. 252.—Colonel P. Lambert, R.E., Examiner of Public Works Accounts, Bombay, is transferred as Examiner of Public Works Accounts, Punjab.

No. 253.—The Governor-General in Council is pleased to order the following promotions among the Executive and Assistant Engineers attached to State Railways, with effect from the dates specified :

Names.	From	To	With effect from	Nature of promotion.
Stent, W. K.	Executive Engineer, 2nd Grade, sub. <i>pro tem.</i>	Executive Engineer, 2nd Grade.	20th May, 1886.	Permanent.
Brereton, A.	Executive Engineer, 2nd Grade, sub. <i>pro tem.</i>	Executive Engineer, 2nd Grade.	20th May, 1886.	Permanent.
Beeston, R. C.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	20th May, 1886.	Sub. <i>pro tem.</i>
Martyn, G. V.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	20th May, 1886.	Sub. <i>pro tem.</i>
Wilson, Captain G. F., R.E.	Executive Engineer, 3rd Grade, sub. <i>pro tem.</i>	Executive Engineer, 3rd Grade.	20th May, 1886.	Permanent.
Monk, H. L.	Executive Engineer, 1st Grade, sub. <i>pro tem.</i>	Executive Engineer, 1st Grade.	5th July, 1886.	Permanent.
MacIvor, C. V.	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	5th July, 1886.	Sub. <i>pro tem.</i>
List, G. H.	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	5th July, 1886.	Sub. <i>pro tem.</i>
Kunhardt, Captain H. G., R.E.	Executive Engineer, 2nd Grade, sub. <i>pro tem.</i>	Executive Engineer, 2nd Grade.	5th July, 1886.	Permanent.
Gerrard, A. S.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	5th July, 1886.	Sub. <i>pro tem.</i>
Smith, Major S., R.E.	Executive Engineer, 3rd Grade, sub. <i>pro tem.</i>	Executive Engineer, 3rd Grade.	5th July, 1886.	Permanent.
Dyson, R. C.	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	9th July, 1886.	Temporary.
White, Captain W. H., R.E.	Executive Engineer, 2nd Grade, sub. <i>pro tem.</i>	Executive Engineer, 2nd Grade.	25th July, 1886.	Permanent.
Grant, T. W.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	25th July, 1886.	Sub. <i>pro tem.</i>
Hebbert, F. B.	Executive Engineer, 3rd Grade, sub. <i>pro tem.</i>	Executive Engineer, 3rd Grade.	25th July, 1886.	Permanent.
Robertson, F. E.	Executive Engineer, 1st Grade, sub. <i>pro tem.</i>	Executive Engineer, 1st Grade.	1st August, 1886.	Permanent.
Harvey, W.	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	1st August, 1886.	Sub. <i>pro tem.</i>
Anderson, J. A.	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	1st August, 1886.	Sub. <i>pro tem.</i>
Hodges, R. N.	Executive Engineer, 2nd Grade, sub. <i>pro tem.</i>	Executive Engineer, 2nd Grade.	1st August, 1886.	Permanent.
Hodson, C. W.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	1st August, 1886.	Sub. <i>pro tem.</i>
Cantopher, B. W.	Executive Engineer, 3rd Grade, sub. <i>pro tem.</i>	Executive Engineer, 3rd Grade.	1st August, 1886.	Permanent.
Lamb, G. F.	Executive Engineer, 4th Grade, sub. <i>pro tem.</i>	Executive Engineer, 4th Grade.	1st August, 1886.	Permanent.

No. 255.—Captain J. W. Thurburn, R.E., Executive Engineer, 3rd Grade, North-Western Provinces and Oudh, temporarily employed in the Punjab, is permanently transferred to that Province.

*The 6th October, 1886.*

No. 256.—The Governor-General in Council is pleased to order the following promotions of Executive and Assistant Engineers, attached to the several Local Administrations, with effect from the dates specified :

Names.	From	To	With effect from	Nature of promotion.
Housden, C. E.	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	5th July, 1886.	Sub. <i>pro tem.</i>
Fox, H. H.	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	21st July, 1886.	Sub. <i>pro tem.</i>
LaTouche, J. N. D.	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	5th Aug., 1886.	Temporary.
Scobie, M. J.	Executive Engineer, 4th Grade, sub. <i>pro tem.</i>	Executive Engineer, 4th Grade.	31st Aug., 1886.	Permanent.
Bedlock, O. J.	Executive Engineer, 4th Grade, temporary rank.	Executive Engineer, 4th Grade.	31st Aug., 1886.	Sub. <i>pro tem.</i>

*The 7th October, 1886.*

**No. 257.**—Mr. F. R. Hutchinson is, on return from furlough, reappointed Examiner of Public Works Accounts, Central India.

TELEGRAPH.

*The 4th October, 1886.*

**No. 250.**—Mr. W. McGregor, Superintendent, 2nd Grade, Indian Telegraph Department, is permitted to retire from the service, with effect from 22nd September, 1886.

*The 5th October, 1886.*

**No. 254.**—The Right Honorable the Secretary of State for India has been pleased to appoint the undermentioned passed Students of the Royal Indian Engineering College to the Telegraph Department in India as Assistant Superintendents, 4th Grade:

Mr. Henry Chevely Alexander Goodall.

Mr. Robert Tyndall Gibbs.

H. A. BROWNLOW, *Colonel, R.E.,*

*Offg. Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 42.

SIMLA, SATURDAY, OCTOBER 16, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor-General's Council assented to by the Governor-General:—

The Oudh Rent Act, 1886.

PART V.—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

The Military Courts of Requests Abolition Bill.

SUPPLEMENT No. 42.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### MILITARY SECRETARY'S OFFICE.

*Simla, the 11th October, 1886.*

Programme for the Arrival in Simla of Their Royal Highnesses the  
**DUKE AND DUCHESS OF CONNAUGHT.**

THEIR ROYAL HIGHNESSES THE DUKE AND DUCHESS OF CONNAUGHT will arrive at the Viceregal Lodge, Simla, about 1-30 P.M., on Tuesday, the 12th October, 1886.

THEIR ROYAL HIGHNESSES will be received at the entrance of Simla, by the Cart Road, by an Aide-de-Camp to His Excellency the Viceroy and the Deputy Commissioner of Simla.

A Guard of Honour of the Detachment of the 1st Goorkhas and His Excellency the Viceroy's Band will be drawn up in front of the Viceregal Lodge at 1-15 P.M.

A Royal Salute will be fired as THEIR ROYAL HIGHNESSES enter Simla.

At the Viceregal Lodge THEIR ROYAL HIGHNESSES will be received by His Excellency the Viceroy, attended by his Personal Staff and all the principal Civil and Military Officers and other Gentlemen who are desirous of attending.

Full dress will be worn by Officers entitled to uniform. Gentlemen not entitled to wear uniform will appear in Morning dress.

### NOTIFICATION.

*The 12th October, 1886.*

His Excellency THE VICEROY AND GOVERNOR-GENERAL will leave Simla on Thursday, the 28th October, 1886.

His Excellency will visit Mooltan, Bhawulpur, Lahore, Ahmedabad, Baroda, Goa, Bombay, Poona, Hyderabad, Mysore, Bangalore, Trichinopoly, Madura, Tanjore, and Pondicherry, at which place His Excellency will embark in the *I. G. S. Clive* for Calcutta, and will probably arrive at Calcutta on or about Monday, the 13th December, 1886.

All covers intended to reach His Excellency the Viceroy and Governor-General and Party during His Excellency's journey should be addressed "Governor-General's Camp" without the addition of any post town.

The Party accompanying His Excellency the Viceroy on tour is as follows :

† D. MACKENZIE WALLACE, Esq.,  
Private Secretary.

† MAJOR LORD WILLIAM BERESFORD, V.C., C.I.E.,  
Military Secretary.

1. MAJOR H. COOPER, Aide-de-Camp.

2. MAJOR ROWAN HAMILTON, Aide-de-Camp.

† SURGEON J. FINDLAY, M.B.,  
Surgeon to the Viceroy.

3. CAPTAIN LEONARD GORDON, Aide-de-Camp.

4. LIEUTENANT LORD HERBRAND RUSSELL,  
Aide-de-Camp.

5. LIEUTENANT L. GORDON, Aide-de-Camp.

† J. MCFERRAN, Esq.,  
Assistant Private Secretary.

6. H. M. DURAND, Esq., C.S.I.,  
Foreign Secretary.

7. A. CRAWFORD, Esq.,  
Commissioner, Southern Division,  
Bombay.

8. W. J. CUNINGHAM, Esq.,  
Under-Secretary, Foreign Department.

† W. EVANS-GORDON, Esq.,  
Attaché, Foreign Office.

† Will go through the whole Tour.

1. Will accompany as far as Hyderabad; thence proceed to Calcutta.

2. Will join at Bombay, relieve Mr. Gordon, Aide-de-Camp, and accompany the remainder of the Tour.

3. Will proceed to Hyderabad direct, and see all arrangements are complete for Reception of His Excellency there.

4. Will join at Hyderabad and accompany the rest of the Tour.

5. Will accompany as far as Bombay and then proceed to Calcutta.

6. Will accompany as far as Bangalore.

7. Will join at Surat, and accompany to Goa and Bombay.

8. Will relieve Mr. Durand at Bangalore, and accompany the rest of the Tour.

All communications connected with business of a mere routine nature should be sent, as usual, to the head-quarters of the several Departments.

By Command,

WILLIAM BERESFORD, *Major,*  
*Military Secretary to the Viceroy.*

## LEGISLATIVE DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 13th October, 1886.*

No. 18.—Whereas by resolution passed by the Secretary of State for India in Council on the sixteenth day of March, 1871, the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared applicable to Ajmere and Merwara;

And whereas the Chief Commissioner of Ajmere-Merwara has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor General in Council has taken the draft and reasons into consideration, and has approved of the draft, and the same has received the Governor General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now

published in the Gazette of India and local Gazette for Ajmere and Merwara:—

REGULATION No. V OF 1885.

## THE AJMERE MUNICIPALITIES REGULATION, 1886.

### CONTENTS.

#### CHAPTER I.

##### PRELIMINARY.

#### SECTIONS.

1. Short title, local extent and commencement.
2. Definitions.
3. Notification of intention to apply Regulation.
4. Application of Regulation.
5. Special rule as to application of Regulation to towns to which Act XV of 1873 applies.

## CHAPTER II.

## ORGANIZATION OF MUNICIPAL COMMITTEES.

*Constitution of Committees.*

## SECTIONS.

6. Committee to consist of elected and appointed members.
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*A Regulation to make better provision for the Organization and Administration of Municipalities in Ajmere and Merwára.*

Whereas it is expedient to make better provisions for the organization and administration of municipalities in Ajmere and Merwára; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Regulation may be called the *Short title local ex- Ajmere Municipalities Regulation, 1886.*  
(2) It extends to the territories for the time being administered by the Chief Commissioner of Ajmere; and  
(3) It shall come into force on the first day of November, 1886.  
(4) Any power conferred by this Regulation to make rules or issue orders may be exercised at any time after the Governor General has assented to the Regulation; but a rule or order so made or issued shall not take effect until the Regulation comes into force.

## Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

- (1) "committee" means a municipal committee constituted under this Regulation;  
(2) "municipality" means a local area to which this Regulation has been applied under section 4 or section 5;  
(3) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service;  
(4) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a municipality or in a local area to which the Chief Commissioner has by notification declared his intention to apply this Regulation;  
(5) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway;  
(6) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant;

(7) "notification" means a notification published by authority of the Chief Commissioner in the official Gazette;

(8) "notified" means published as aforesaid; and

(9) "prescribed" means prescribed by rules made by the Chief Commissioner under this Regulation.

3. (1) The Chief Commissioner may, by notification and in such other manner as he may from time to time determine, declare his intention to apply this Regulation to any town or to any group of towns in the immediate neighbourhood of one another.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building, land or water in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of the Regulation, submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification, and the Chief Commissioner shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Chief Commissioner has considered the objections (if any) which have been submitted under sub-section (1), the Chief Commissioner may, by notification, apply this Regulation to the local area.

5. The Chief Commissioner may, by notification, apply this Regulation to any local area which is a municipality established under the North-Western Provinces and Oudh Municipalities Act, 1873, and shall, within three months from the date on which this Regulation comes into force, so apply it to every such local area, unless, before the expiration of that period,—

- (a) the Regulation has been applied under section 4 to some local area in which that local area is comprised; or  
(b) the Chief Commissioner has declared by notification that the provisions of this Regulation are unsuited to that local area.

## CHAPTER II.

## ORGANIZATION OF MUNICIPAL COMMITTEES.

*Constitution of Committees.*

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—  
(a) so many elected members as may be determined in manner prescribed, representing the whole municipality or wards of the municipality; and

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter II.—Organization of Municipal Committees.—Sections 7-13.)

(b) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Chief Commissioner may, subject to the rules made under this Regulation, appoint in this behalf.

7. (1) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Regulation has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting, within such further time not exceeding three months from the date of the meeting as the Chief Commissioner may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(2) The Chief Commissioner may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

Persons to be invited to meeting. 8. Notices under section 7 shall be issued to the following persons, namely:—

- (a) all Honorary Magistrates having jurisdiction within the limits of the municipality;
- (b) when the municipality comprises any local area for which a municipal committee has been appointed under the North-Western Provinces and Oudh Municipalities Act, 1873, the members of that committee; and
- (c) any leading residents of the municipality not included under clauses (a) and (b) who in the opinion of the District Magistrate should be allowed to take part in the discussion.

9. The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section, submit through the District Magistrate to the Chief Commissioner, proposals regarding the following matters, namely:—

- (a) the treatment of the municipality as a whole for the purposes of representation, or the division of the municipality into wards;
- (b) the number of representatives proper for the municipality or for each ward;
- (c) the qualifications of electors and of candidates for election;
- (d) the registration of electors;
- (e) the nomination of candidates, the time of election and the mode of recording votes; and
- (f) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

10. (1) The Chief Commissioner shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to ten rupees.

(2) The Chief Commissioner may, after the committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under sub-section (1); but no amendment made under this sub-section shall take effect until six months after it has been published in the official Gazette.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

11. (1) The term of office of a member of a committee shall be fixed by the Chief Commissioner by rule made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

12. A member of a committee may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on his resignation being accepted by the Chief Commissioner, he shall be deemed to have vacated his office.

13. (1) The Chief Commissioner may remove any member of a committee—

- (a) if he refuses to act, or becomes, in the opinion of the Chief Commissioner, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member;
- (b) if he has been declared by notification to be disqualified for employment in the public service;
- (c) if he, without an excuse sufficient in the opinion of the Chief Commissioner, neglects for more than three consecutive months to be present at the meetings of the committee;
- (d) if his continuance in office is, in the opinion of the Chief Commissioner, dangerous to the public peace or order; or,
- (e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Chief Commissioner, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Chief Commissioner otherwise directs.

*The Ajmere Municipalities Regulation, 1886.**(Chapter II.—Organization of Municipal Committees.—Sections 14-20.)*

14. (1) When the place of an elected member of a committee becomes vacant by his resignation, removal, death or otherwise, a new member shall be elected in manner prescribed to fill the place:

Provided that the Chief Commissioner may, subject to the limitation of the proportion of appointed members of the committee fixed by section 6, clause (b), direct in any such case that the vacancy shall be left unfilled.

(2) When the place of an appointed member of a committee becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, but subject to the rules made under this Regulation, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

15. Every committee shall be a body corporate by the name of the committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, and, subject to the rules made under this Regulation, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

16. A committee shall come into existence at such time as the Chief Commissioner may, by notification, appoint in this behalf.

17. (1) When a committee comes into existence under section 16 for a municipality constituted under this Regulation, and that municipality comprises within its limits a local area which is a municipality under the North-Western Provinces and Oudh Municipalities Act, 1873, the following consequences shall ensue, namely:—

(a) the said North-Western Provinces and Oudh Municipalities Act shall cease to apply to the local area;

(b) the committee (if any) constituted under that Act for the local area shall cease to exist;

(c) all property vested in the old committee shall, for the purposes of this Regulation, vest in the committee constituted under this Regulation (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Regulation had not been made;

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Chief Commissioner; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

(2) When a committee comes into existence under section 16 for a municipality constituted under this Regulation, and that municipality comprises within its limits a local area in which Act XX of 1856 (*An Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Suburbs and Bázars in the Presidency of Fort William in Bengal*) is in force, that Act shall cease to have effect in the local area, and every pancháyat constituted under that Act for the local area shall cease to exist.

*Chairman and Vice-Chairman.*

18. A committee shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Chief Commissioner, but not otherwise, become chairman of the committee:

Provided that—

(a) if the office of chairman remains vacant for three months from the date of the first meeting of the committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Chief Commissioner may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman; and

(b) in such municipalities as the Chief Commissioner may from time to time, by notification, exempt from the operation of this section, the Chief Commissioner may from time to time, appoint such person as he thinks fit by name or by virtue of office to be chairman.

19. In every municipality the committee shall from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

20. (1) The term of office of a member of the committee elected to be chairman shall be the residue of his term of office as member.

(2) The term of office of any other person elected to be chairman, or of a chairman appointed by the Chief Commissioner, shall be such term,

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter II.—Organization of Municipal Committees.—Sections 21-29.)

not exceeding three years, as the Chief Commissioner may by rule prescribe.

(3) The term of office of a vice-chairman shall be one year:

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(4) An out-going chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

21. (1) A chairman of a committee may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on his resignation being accepted by the Chief Commissioner, he shall be deemed to have vacated his office.

(2) A vice-chairman of a committee may resign by notifying in writing his intention to do so to the committee, and, on his resignation being accepted by the committee, he shall be deemed to have vacated his office.

22. The Chief Commissioner may remove any chairman or vice-chairman of a committee from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the committee.

23. (1) If an elected chairman or vice-chairman dies or resigns his office, or is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

(2) If a chairman appointed by the Chief Commissioner dies, resigns his office or is removed, the Chief Commissioner shall appoint another chairman.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office:

Provided that, if a person so elected is a member of the committee at the time of his election, he shall go out of office on ceasing to be a member.

(4) A person going out of office under sub-section (3) shall, if otherwise qualified, be again eligible for election or appointment.

24. When a person not already a member of the committee is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

*Notification of Elections, Appointments and Vacancies.*

25. Every election and appointment of a member or chairman of a committee, and every vacancy in the office of member or chairman, shall be notified.

*Joint Committees.*

26. (1) A committee may, from time to time, concur with any other municipal committee, or with a district board, or with a cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(2) If any difference of opinion arises between committees, boards or authorities acting under this section, the decision thereon of the Chief Commissioner shall be final.

*Conduct of Business.*

27. (1) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

(2) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall upon a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

28. (1) A meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Regulation or the rules made under this Regulation to be transacted at a special meeting.

29. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be two-thirds of the whole committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting whether there is a quorum present thereat or not.

*The Ajmere Municipalities Regulation, 1886*  
(Chapter II.—Organization of Municipal Committees.—Sections 30-38.)

30. (1) At every meeting of a committee the chairman, if present, shall preside.

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

31. (1) Except as otherwise provided by this Regulation, or by any rule made by the Chief Commissioner under this Regulation, all questions which may come before any meeting of a committee shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

32. The Civil Surgeon of the district, the Executive Engineer of the division and the Inspector of Schools of the circle shall be entitled to attend any meeting of the committee, and to address the committee, on any matter affecting respectively sanitation, public works and public instruction.

33. (1) Every resolution passed by a committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in such manner as the Chief Commissioner may direct.

(2) A copy of every resolution passed by a committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Magistrate.

34. (1) Every committee may, from time to time, at a special meeting, make rules consistent with this Regulation and any rules made under this Regulation by the Chief Commissioner as to—

- (a) the time and place of its meetings;
- (b) the manner of convening ordinary and special meetings respectively, and of giving notice thereof;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings, and the adjournment of meetings;
- (e) the division of duties among the members of the committee;
- (f) the persons by whom receipts may be granted on behalf of the committee for money paid under this Regulation; and
- (g) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Chief Commissioner may direct.

*Officers and Servants.*

35. (1) Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(2) If a person who is an officer in the service of the Government, and who is not a member of the committee, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of such appointment, and shall continue to be a member of the committee as long as he holds the office of secretary.

(3) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases, the committee may, with the previous sanction of the Chief Commissioner, assign to a secretary such pay as it thinks fit.

36. Subject to the other provisions of this Regulation, and to such rules as the Chief Commissioner may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

37. In the case of a Government official, a committee may—

- (1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and
- (2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Chief Commissioner.

38. In the case of an officer or servant not being a Government official, a committee may—

- (1) grant him leave-allowances and, if he is employed under a committee constituted under the North-Western Provinces and Oudh Municipalities Act, 1873, when this Regulation comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and
- (2) if empowered in this behalf by the Chief Commissioner,—
  - (a) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or
  - (b) purchase for him from the Government or otherwise an annuity on his retirement;

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which,

XV of 1873.

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter II.—Organization of Municipal Committees.—Sections 39-40.—Chapter  
III.—Taxation.—Sections 41-44.)

under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

*Contracts.*

39. (1) A committee may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the committee at a meeting.

40. (1) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing.

(2) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary :

Provided that the committee may delegate to one or more of its members the power of executing any contracts which he is or they are empowered to enter into under section 39, sub-section (1).

(3) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the committee.

### CHAPTER III.

#### TAXATION.

##### *Taxation.*

41. (1) Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Chief Commissioner under this Regulation, a committee may, from time to time, for the purposes of this Regulation and in the manner by this Regulation directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(A) with the previous sanction of the Chief Commissioner:—

- (a) a tax on buildings and lands situate within the municipality, not exceeding seven and a half per centum on the annual value of the buildings and lands;
- (b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;
- (c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;
- (d) a tax on vehicles and animals used as aforesaid entering the municipality;
- (e) an octroi on animals for slaughter or goods or both brought within the municipality for consumption or use therein; and

(B) with the previous sanction of the Chief Commissioner and of the Governor General in Council, any other tax.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let:

Provided that, in the case of land which is assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Chief Commissioner so directs, be deemed to be double the amount of the land-revenue for the time being assessed on the land, or, when the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, but for such release, composition, redemption or assignment, would have been assessable as land-revenue.

42. When a committee has, in exercise of the powers conferred by this Regulation, provided for the

performance, with regard to any buildings or lands, by its agents, of the duties usually performed by sweepers, it may, with the previous sanction of the Chief Commissioner, in the manner by this Regulation directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Regulation, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

43. (1) Besides the taxes mentioned in sections 41 and 42 a committee, with the previous sanction of the Chief Commissioner, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Regulation directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

44. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter III.—Taxation.—Sections 45-52.)

the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Chief Commissioner, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Chief Commissioner, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Chief Commissioner sanctions any such proposals which require the further sanction of the Governor General in Council, he shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Chief Commissioner for further consideration.

(7) When the proposals of a committee have been sanctioned by the Chief Commissioner, or by the Chief Commissioner and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than one month from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Regulation shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Regulation.

45. A committee may, by a resolution passed at a special meeting and confirmed by the Chief Commissioner, abolish or reduce in amount any tax imposed under section 41, section 42 or section 43.

46. (1) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Chief Commissioner, and the Chief Commissioner may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

47. (1) If at any time it appears to the Chief Commissioner, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, he may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Chief Commissioner, the Chief Commissioner may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Chief Commissioner may at any time, by notification, rescind any such suspension.

48. No tax imposed under this Regulation shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

49. Any tax imposed under section 41, section 42 or section 43 and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Chief Commissioner, may, by rule, from time to time direct.

50. For all sums paid on account of any tax under this Regulation, a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same, on request by the person making the payment.

51. (1) An appeal against the assessment or levy of any tax under this Regulation shall lie to the District Magistrate unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Chief Commissioner in this behalf.

(2) The order of the appellate authority shall be final.

52. (1) No appeal shall lie in respect of a tax on any building or land unless it is preferred within two months after the publication of the notice prescribed by section 58, and no appeal shall lie in respect of any other tax unless it is preferred within two months from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter III.—Taxation.—Sections 53-61.)

53. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Regulation is provided.

XV of 1873.

54. All taxes leviable in any local area under the North-Western Provinces and Oudh Municipalities Act, 1873, at the time when a committee having authority over that local area comes into existence under this Regulation, shall, so far as their imposition and assessment are consistent with this Regulation and within the powers conferred thereby, be deemed to have been imposed and assessed under this Regulation.

*Taxes on Immoveable Property.*

55. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

- (a) the name of the street or division in which the property is situate;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

56. When the assessment-list has been completed, the committee shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

57. (1) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

58. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person

or by authorized agent as they think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

59. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

60. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

61. (1) When a tax payable under section 41, sub-section (1), clause (a), unoccupied immoveable or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter III.—Taxation.—Sections 62-67.—Chapter IV.—Municipal Fund  
and Property.—Sections 68-69.)

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub-section (1), clause (a), or under section 42 or section 43, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

62. (1) A tax payable under section 41, sub-section (1), clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable.

63. (1) When any sum is due on account of a tax payable under this Regulation in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax.

(3) The amount of every such arrear may be recovered, on the application of the committee, by the officer discharging the functions of a Collector under the Ajmere Land and Revenue Regulation, 1877, in the part of the territories administered by the Chief Commissioner in which the municipality is situate, as if the property were an estate assessed to land-revenue, and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

*Octroi and Tolls.*

64. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorised by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

67. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the chairman or a vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice-chairman may, having regard to the nature of the articles, think proper.

## CHAPTER IV.

### MUNICIPAL FUND AND PROPERTY.

68. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(a) all sums received by or on behalf of the committee under this Regulation or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Regulation or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(c) when there has been included within the municipality any municipality constituted under the North-Western Provinces and Oudh Municipalities Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence. XV of 1873.

69. (1) The committee shall set apart and apply annually out of the municipal fund—

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions, contributions and payments as are referred to in sections 37 and 38, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

*The Ajmere Municipalities Regulation, 1-86.*  
 (Chapter IV.—Municipal Fund and Property.—Sections 70-72.—Chapter V.—  
 Municipal Police.—Sections 73-76.)

(c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Chief Commissioner to be equitably debitable to the committee in return for services rendered to it by those Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Chief Commissioner may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and, with the sanction of the Commissioner, outside the municipality, when such application of the fund is for the benefit of the inhabitants of the municipality, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;
- (b) the watering and lighting of such streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, saráis, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;
- (e) the training of teachers and the establishment of scholarships;
- (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals;
- (h) the planting and preservation of trees;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;
- (j) the holding of fairs and industrial exhibitions; and
- (k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

70. (1) In places where there is a Government treasury or sub-treasury, the municipal fund shall be kept in the treasury or sub-treasury.

(2) In places where there is no such treasury or sub-treasury, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Chief Commissioner may in each case think sufficient.

71. (1) A committee may, from time to time, with the previous sanction of the Chief Commissioner, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

72. The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Chief Commissioner.

## CHAPTER V.

### MUNICIPAL POLICE.

73. Every committee shall maintain a police-establishment for watch and ward, and the prevention and suppression of nuisances, within the municipality, and for the enforcement of this Regulation and the rules made thereunder, and of the orders of the committee.

74. The establishment maintained under section 73 shall, as the committee with the approval of the Chief Commissioner may direct, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the District Magistrate and the Commissioner, and subject to the final decision of the Chief Commissioner, direct.

75. If the establishment maintained under section 73 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Chief Commissioner may make in this behalf; and shall perform such duties, and be liable to such penalties, as village-watchmen appointed under the Panjab Laws Act, 1872, as amended by the Panjab Laws Amendment Act, 1875, perform and are liable to.

76. If the establishment is part of the general police-force, the Chief Commissioner may, notwithstanding any thing contained in Act V of 1861 or in any other

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter V.—Municipal Police.—Section 77.—Chapter VI.—Power for Sanitary and other Purposes.—Sections 78-85.)

Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

77. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Regulation shall have the powers of a police-officer under that section.

#### CHAPTER VI.

##### POWER FOR SANITARY AND OTHER PURPOSES.

##### *Streets and Buildings.*

78. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, any land unoccupied by buildings which is, in the opinion of the committee, necessary for the sites of the buildings to be erected on the sides of the street.

79. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street.

80. The committee may grant permission in writing for the temporary occupation of any street or of any land under its control or management, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

81. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

82. (1) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punished with fine which may extend to twenty rupees.

83. The committee at a meeting may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the

roofs or walls so made or renewed as it may think fit.

84. (1) If any building or part of a building projects beyond the regular line of a street either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

85. (1) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Regulation given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

- (a) free passage or way in front of the building;
- (b) space to be left about the building to secure free circulation of air and facilitate scavenging;
- (c) ventilation and drainage;
- (d) level and width of foundation, level of lowest floor and stability of structure; and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

*Explanation.*—The expression “erect any building” includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion

*The Ajmere Municipalities Regulation, 1886.**(Chapter VI.—Power for Sanitary and other Purposes.—Sections 86-93.)*

into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

86. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the making of this Regulation, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

*Bathing and Washing Places.*

87. The committee may set apart suitable bathing and washing places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

*Deposit of Offensive Matter and Slaughter-places.*

88. The committee may fix places within, or with the approval of the District Magistrate beyond, the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind, or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

89. (1) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places,

or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal at any other place for sale within the municipality shall be punished with fine which may extend to twenty rupees.

*Burial and Burning Places.*

90. (1) The committee may, by public notice,

order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Regulation, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

91. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

*Inflammable Materials.*

92. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

*Powers of Entry and Inspection.*

93. (1) The committee, by any person authorised by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies or cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter VI.—Power for Sanitary and other Purposes.—Sections 94-101.)

any nuisance arising from the drains, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building, or by the occupier, as the committee may direct; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

**94.** The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

**95.** The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

- (a) enter on and survey and take levels of any land;
- (b) enter, inspect and measure any building for the purpose of valuation; or
- (c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Regulation empowered to execute or maintain.

**96.** The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation for which a license has not been duly taken out.

**97.** The committee, by any person authorised by it in this behalf, may, at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it

noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

**98.** (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

(2) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally in any ward or part of the municipality.

(3) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands, or different wards or parts of the municipality, and charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(4) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

**99.** When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

*Water-pipes, Privies and Drains.*

**100.** The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof, and for discharging the same so as not to inconvenience persons passing along the street.

**101.** (1) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter VI.—Power for Sanitary and other Purposes.—Sections 102-113.)

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

102. (1) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool belonging thereto.

Repair and closing of drains, privies and cesspools.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or rules or to the provisions of this Regulation, or who constructs, re-builds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

103. The committee may, by notice, require any person who without its permission in writing newly erects or re-builds any building over any public sewer, drain, culvert, water-course or water-pipe to pull down or otherwise deal with the same as it thinks fit.

Unauthorized buildings over drains, &c.

104. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Removal of latrines, &c., near any source of water-supply.

105. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood:

Power to require drainage, &c., of unwholesome tanks, &c.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land, or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

*Dangerous Buildings and Places.*

106. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, &c., to be secured.

107. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

*Buildings and Grounds in unsanitary Condition.*

108. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

109. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets.

110. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to have building or land cleansed.

111. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use.

Power in respect of building unfit for habitation.

112. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

113. (1) The Chief Commissioner may, on the joint report of the District Magistrate and the Civil Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons

Cultivation, use of manure or irrigation, injurious to health after prohibition.

*The Ajmere Municipalities Regulation, 1886.**(Chapter VI.—Power for Sanitary and other Purposes.—Sections 114-116.)*

dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury :

Provided that, when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

*Offensive and Dangerous Trades.*

114. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

Regulation of offensive and dangerous trades.

melting tallow ; or

boiling bones, offal or blood ; or

as a soap-house, oil-boiling house, dyeing-house or tannery ; or

as a brickkiln, pottery or limekiln ; or

as any other manufactory or place of business from which offensive or unwholesome smells arise ; or

as a yard or dépôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ; or as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

115. (1) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier

Power to prohibit such trades.

thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

*Power to make Rules.*

Power of committee to make rules.

116. (1) A committee may, from time to time, at a special meeting, make rules—

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions under which they are to be granted and may be revoked ;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours ;

(c) for securing a proper registration of births, marriages and deaths, and for the taking of a census ;

(d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings ;

for the registration and inspection of such buildings ;

for promoting cleanliness and ventilation in such buildings ;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings ;

and generally for the proper regulation of such buildings ;

(e) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses ;

(f) for the holding of fairs and industrial exhibitions within the municipality and under its control ;

(g) for controlling and regulating the use and management of burial and burning grounds ;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use ;

*The Ajmere Municipalities Regulation, 1886.*  
 (Chapter VI.—Power for Sanitary and other Purposes.—Sections 117-120.—  
 Chapter VII.—Offences affecting the Public Health, Safety or Convenience.  
 —Sections 121-122.)

- (i) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and
- (j) generally for carrying out the purposes of this Regulation:

Provided that the committee of a municipality XIV of 1879, in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (a) and (b) in respect of any vehicles to which that Act applies.

(2) In making any rule under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(3) No rule made under this section shall come into force until it has been confirmed by the Chief Commissioner and published for such time and in such manner as the Chief Commissioner may prescribe in this behalf.

*Supplemental.*

117. (1) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

118. (1) Where, under this Regulation, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner:

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit or, on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

119. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

120. (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 115 may appeal within thirty days from the date thereof to the District Magistrate; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the District Magistrate is himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

## CHAPTER VII.

### OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

121. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

122. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer

Discharging sewage.

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter VII—Offences affecting the Public Health, Safety or Convenience.  
—Sections 123-138.)

or cesspool, or any other offensive matter to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

123. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to twenty rupees.

124. Whoever, without the permission of the Making or altering committee, makes or causes drains without authority, to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the control of the committee, shall be punished with fine which may extend to fifty rupees.

125. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 104, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

126. Whoever keeps any swine in disregard of Keeping animals so as any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

127. Whoever feeds or allows to be fed any animal which is kept for Feeding animals on animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punished with fine which may extend to fifty rupees.

128. Whoever drives any vehicle after dark Driving vehicles with- in any public street or out proper lights. thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punished with fine which may extend to twenty rupees.

129. Whoever discharges firearms or lets off Discharging firearms, fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by

or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees.

130. Whoever, being an elephant-driver or camel-driver, omits on being Control of elephants and camels. requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punished with fine which may extend to twenty rupees.

131. Whoever, contrary to any orders of the Taking elephants committee, takes an elephant along a street shall be punished with fine which may extend to twenty rupees.

132. Whoever, being the owner or person in charge of any dog which is Suffering dogs to be at large. likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees.

133. Whoever, without the written permission Altering, obstructing of the committee, alters or encroaching upon obstructs or encroaches upon streets, &c. any street or public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees.

134. Whoever quarries, blasts, cuts timber or Quarrying, blasting, carries on building-operations in such a manner as to cutting timber or building. cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees.

135. Whoever, contrary to the orders of the Picketing animals and committee, pickets animals collecting carts. or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees.

136. Whoever carries a corpse along a route Carrying corpses by prohibited by the committee prohibited routes or so or in a manner likely to as to cause annoyance. cause annoyance to the public shall be punished with fine which may extend to ten rupees.

137. Whoever, without being authorised by the Destroying direction-committee, defaces or distorts any direction-post or lamp-post, or extinguishes any light in any street or public place, shall be punished with fine which may extend to twenty rupees.

138. Whoever disobeys any lawful directions given by the committee by Penalty for disobedience to orders of committee under Chapter VI. public notice under the powers conferred upon it by Chapter VI, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience,—  
Section 139.—Chapter VIII.—Control.—Sections 140-144.)

subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues :

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

139. A prosecution for an offence under section 90, section 115 or section 138, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

### CHAPTER VIII.

#### CONTROL.

140. The Commissioner or the District Magistrate, when he is not a member of the committee, may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee;
- (b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee;
- (c) by order in writing require any committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for; and
- (d) record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties.

141. (1) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done in pursuance of, or under cover of, this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(2) When the Commissioner or the District Magistrate makes any order under this section, he shall forthwith forward a copy thereof with a

statement of his reasons for making it, if the Magistrate to the Commissioner, if the Commissioner to the Chief Commissioner, who may thereupon rescind the order, or direct that it continue in force with or without modification permanently or for such period as he thinks fit.

142. (1) In cases of emergency, the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

(3) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section.

143. (1) If at any time it appears to the Chief Commissioner that a committee has made default in performing any duty imposed on it by or under this Regulation or any other law, the Chief Commissioner may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Chief Commissioner may appoint the District Magistrate to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to the Magistrate by the committee.

(3) If the expense is not so paid, the District Magistrate, with the previous sanction of the Chief Commissioner, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

144. (1) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the official Gazette, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue :—

- (a) all members of the committee shall, as from the date of the order, vacate their offices as such members;

*The Ajmere Municipalities Regulation, 1886*  
(Chapter VIII.—Control.—Section 145.—Chapter IX.—Supplemental.—  
Sections 146-147.)

- (b) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner appoints in that behalf; and
- (c) all property vested in the committee shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for being members.

145. (1) The Chief Commissioner may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules consistent with this Regulation—

- (a) as to the appointment of members of a committee;
- (b) as to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman or who have been appointed to that office by the Chief Commissioner;
- (c) as to the filling of casual vacancies among elected and appointed members of a committee;
- (d) as to the language in which business shall be transacted, proceedings recorded and notices issued;
- (e) as to the assessment and collection of taxes imposed under this Regulation and for preventing evasion of the same;
- (f) as to the authority on which money may be paid from the municipal fund;
- (g) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;
- (h) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill;
- (i) as to the intermediate office or offices, if any, through which correspondence between committees and the Chief Commissioner or his officers and representations addressed to the Chief Commissioner under this Regulation shall pass;
- (j) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;
- (k) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;
- (l) as to the priority to be given to the several duties of the committee;
- (m) as to the preparation of plans and estimates for works to be partly or wholly

constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

- (n) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Regulation, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (o) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned;
- (p) as to the returns, statements and reports to be submitted by committees;
- (q) as to the publication of notices; and
- (r) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Regulation.
- (2) In making rules under sub-section (1), clause (e), the Chief Commissioner may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

## CHAPTER IX.

### SUPPLEMENTAL.

146. (1) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(2) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

XLV of  
1860.

147. (1) No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

(2) A suit against an officer of a committee in respect of an act purporting to be done by him in his official capacity shall be instituted within three months next after the accrual of the cause of action, and not afterwards.

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter IX.—Supplemental.—Sections 148-157.)

**148.** Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Secretary of State for India in Council.

**149.** Where any land, whether within or without the limits of a municipality, is required for the purposes of this Regulation, the Chief Commissioner may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

**150. (1)** The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

**(2)** Every rule made under any of those sections shall be published in such manner as the Chief Commissioner may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

**151.** A Court shall not take cognizance of an offence punishable under this Regulation, or the rules made under this Regulation, except on the complaint of the committee or of some person authorised by the committee in this behalf.

**152.** Nothing in this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

**153.** Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

**154.** The Chief Commissioner may, by notification, declare his intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification, or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

**155. (1)** Any inhabitant of a municipality, or local area in respect of which a notification has been published under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification, and the Chief Commissioner shall take the objection into consideration.

**(2)** When six weeks from the publication of the notification have expired, and the Chief Commissioner has considered the objections (if any) which have been submitted under sub-section (1), the Chief Commissioner may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

**156. (1)** When a local area is excluded from a municipality under section 155—

(a) this Regulation, and all rules, orders, directions and powers made, issued or conferred under this Regulation, shall cease to apply thereto; and

(b) the Chief Commissioner shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council, and, on the publication of the scheme in the official Gazette, the property and liabilities shall vest and be apportioned accordingly.

**(2)** All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

**157.** When a local area is included in a municipality under section 155, this Regulation, and all rules, orders, directions and powers made, issued or conferred under this Regulation, and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

*The Ajmere Municipalities Regulation, 1886.*  
(Chapter IX.—Supplemental.—Sections 158-161.—Chapter X.—Exceptional Provisions.—Sections 162-163.)

158. All powers conferred by this Regulation on the Governor General in Council or on the Chief Commissioner may be exercised from time to time as occasion requires.

159. Nothing in this Regulation shall affect the Local Authorities Loan Act, 1879.

160. Every member of a committee constituted under this Regulation shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

161. Anything done or any proceeding taken under this Regulation shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

#### CHAPTER X.

##### EXCEPTIONAL PROVISIONS.

162. (1) If it appears to the Chief Commissioner that the circumstances of any municipality are such that the provisions of this Regulation requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Chief Commissioner may, by notification, except the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the case may be, to the excepted municipality until again applied thereto by a like notification of the Chief Commissioner:

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existence unless its issue has been sanctioned by the Governor General in Council.

(2) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (1), the Chief Commissioner may appoint such of the members of the committee as would otherwise have been elected.

163. (1) The Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification, withdraw from the operation of this Regulation or the North-Western Provinces and Oudh Municipalities Act, 1873, the area of any municipality constituted under this Regulation or that Act.

(2) When a notification is issued under this section in respect of any municipality, this Regulation or the Act, as the case may be, and all rules, bye-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply to the local area comprised in the municipality; the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall

vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

*The 15th October, 1886.*

No. 19.—Whereas by resolution passed by the Secretary of State for India in Council on the sixteenth day of March, 1871, the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared applicable to Ajmere and Merwara;

And whereas the Chief Commissioner of Ajmere-Merwara has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India and local Gazette for Ajmere and Merwara:—

#### REGULATION NO. VI OF 1886.

### THE AJMERE RURAL BOARDS REGULATION, 1886.

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*The Ajmere Rural Boards Regulation, 1886.*

WHEREAS a rate is levied on land in Ajmere and Merwara for certain local purposes, and it is expedient to make better provision for the constitution of local bodies to administer the expenditure of the proceeds of that rate, and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to local purposes; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Ajmere Rural Boards Regulation, 1886.  
Short title, extent and commencement.
- (2) It extends to all the territories which are now under the administration of the Chief Commissioner of Ajmere and to which the provisions

of the thirty-third of Victoria, chapter three, section one, have been declared applicable; and

(3) It shall come into force on the first day of November, 1886.

CHAPTER II.

LOCAL RATE.

2. (1) Every estate shall be subject to the payment of a rate, to be called the local rate, not exceeding three pies for every rupee of its annual value.

(2) "Annual value" in sub-section (1) means—

(a) in the case of a khālisa estate, double the land-revenue for the time being assessed on the estate;

(b) in the case of an istimrari estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been in part leased; and

(c) in the case of a jāgīr estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been wholly released.

(3) The rate levied on any estate for the maintenance of roads, schools and the district-post at the time of the enactment of this Regulation shall be deemed to be the local rate to which the estate is subject under this section.

(4) The Chief Commissioner may at any time direct the revision of the assessment of the local rate for all or any estates in any local area, and from time to time prescribe the instalments and times in and at which that rate shall be payable.

(5) The local rate may be recovered as if it were an arrear of land-revenue due in respect of the estate subject thereto.

CHAPTER III.

CONSTITUTION OF DISTRICT BOARDS AND LOCAL BOARDS.

3. (1) By order in writing, for the purposes of this Regulation, the Chief Commissioner may declare all the territories under his administration to be one district, or may divide those territories into districts, and may divide any district into sub-districts.

(2) The Chief Commissioner may, from time to time, by order in writing, vary any order made under this section.

(3) There shall be excluded from the district or districts formed under this section such portions of the said territories as are for the time being included in the limits of a military cantonment or of a municipality.

4. There shall be established for the district, or for each district, as the case may be, a district board having authority over the district, and, when the district is divided into sub-districts, for each sub-district a local board, which shall in the sub-district be the agent of the district board and, as such agent, have such authority and discharge such duties as the district board may, by written

*The Ajmere Rural Boards Regulation, 1886.**(Chapter III.—Constitution of District Boards and Local Boards.—  
Sections 5-11.—Chapter IV.—Duties of District Boards.—Section 12.)*

authority in that behalf, from time to time, confer or impose upon it.

5. (1) A district board or local board shall consist of such number of members, not less than six, as the Chief Commissioner may, from time to time, fix in this behalf.

(2) The members may be appointed by the Chief Commissioner either by name or by official designation, or may be elected in accordance with rules made by the Chief Commissioner under this Regulation, or some may be appointed and some elected, as the Chief Commissioner from time to time directs:

Provided that—

(a) not less than two-thirds of the members of every board shall be persons by whom the local rate is payable; and

(b) when the district has been divided into sub-districts, not less than one-half of the members of each local board shall be members of the district board.

6. (1) A member appointed by virtue of an office shall, unless the Chief Commissioner otherwise directs, continue to be a member while he continues to hold that office.

(2) The term of office of all other members shall be fixed by the Chief Commissioner by rules made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

7. A member may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on the acceptance by the Chief Commissioner of such resignation, the member shall be deemed to have vacated his office.

8. The Chief Commissioner may remove any member—

(a) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member;

(b) if he has been proscribed by the Government from being employed in its service;

(c) if he, being a member of a local board, without an excuse sufficient in the opinion of the Chief Commissioner, neglects for more than three consecutive months to be present at the meetings of that board, or, being a member of the district board, without such sufficient excuse, neglects for more than six consecutive months to be present at the meetings of that board;

(d) if his continuance in office is, in the opinion of the Chief Commissioner, dangerous to the public peace or order; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Chief Commissioner, unnecessary or undesirable.

9. (1) When the place of an elected member becomes vacant by the resignation or removal of the member or by his death, a new member shall be chosen, in accordance with rules made by the Chief Commissioner under this Regulation, to fill the place:

Provided that the Chief Commissioner may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member appointed by name becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, appoint a new member to fill the place.

(3) A person chosen or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

10. A district board shall be a body corporate by the name of the district board of its district, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable; to transfer any moveable property, and, subject to rules made by the Chief Commissioner under this Regulation, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

11. The board for a district or sub-district shall come into existence at such time as the Chief Commissioner may appoint in this behalf.

## CHAPTER IV.

## DUTIES OF DISTRICT BOARDS.

12. The following matters shall, subject to such exceptions and conditions as the Chief Commissioner may, from time to time, make and impose, be under the control and administration of the district board within the area subject to its authority:—

(a) the construction, repair and maintenance of public roads and other means of communication;

(b) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, rest-houses, sarais and other public institutions, and the construction and repair of all buildings connected with these institutions;

(c) the construction and repair of public wells, tanks and water-works, the supply of water from them and from other sources, and the preservation from pollution of water for drinking, cooking and bathing purposes;

*The Ajmere Rural Boards Regulation, 1886.*  
*(Chapter IV.—Duties of District Boards.—Section 13.—Chapter V.—*  
*Officers and Servants.—Sections 14-16.—Chapter VI.—District Fund.—*  
*Section 17.)*

1 of 1871.

- (d) the planting and preservation of trees on the sides of roads and on other public ground;
- (e) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Chief Commissioner;
- (f) the establishment and management of pounds, including, where the Cattle trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate of the district as may be transferred to the board by the Chief Commissioner;
- (g) the regulation of encamping-grounds;
- (h) the holding and management of agricultural shows and industrial exhibitions;
- (i) the maintenance of any property which is vested in the district board or may be placed by the Chief Commissioner under the management of that board; and
- (j) any other local works or measures likely to promote the health, comfort or convenience of the public.

District board not to abolish any institution without concurrence of departmental authority, and not to depart from approved principles of administration.

13. (1) The district board shall not abolish any school, dispensary or other institution without reference to the Head of the Department concerned.

(2) If any difference of opinion arises between the district board and the Head of a Department under sub-section (1), the decision thereon of the Chief Commissioner shall be final.

(3) The district board shall, in controlling and administering the matters specified in section 12, observe those general principles which the Government has approved in the several departments of the administration.

#### CHAPTER V.

##### OFFICERS AND SERVANTS.

14. (1) The district board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the local boards (if any) in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner.

(2) If, in the opinion of the Commissioner,—

(a) the number of persons employed by the district board under this section is excessive, or

(b) any such person is unfit for his employment,

the board shall, on the requirement of the Commissioner, reduce the number, or dismiss the unfit person, as the case may be.

Pensions of Government officials serving the district board.

15. In the case of a Government official, the district board may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and

leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Chief Commissioner.

16. In the case of an officer or servant not being a Government official referred to in section 15, the district board may—

(1) grant him leave-allowances, and, if his monthly pay is less than ten rupees, a gratuity; and

(2) if empowered in this behalf by the Chief Commissioner—

(a) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement;

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

#### CHAPTER VI.

##### DISTRICT FUND.

17. (1) There shall be formed for the district Constitution, custody or for each district, as the and application of the case may be, a fund to be district fund. called the district fund, and there shall be placed to the credit thereof—

(a) the whole, or such portion as the Chief Commissioner may determine, of the balance of local funds available in whole or in part for expenditure in the district on the day on which the district board comes into existence;

(b) the proceeds of the local rate levied in the district, after deduction therefrom of such sum as the Chief Commissioner may assign for the maintenance of the district-post;

and, subject to such exceptions and conditions as the Chief Commissioner may from time to time make and impose, the following, namely:—

(c) the sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen and felled thereon;

(d) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871;

(e) receipts from encamping-grounds under the regulation of the district board;

*The Ajmere Rural Boards Regulation, 1886.*

(Chapter VII.—Control.—Sections 18-20.—Chapter VIII.—Liability of Members of Boards.—Section 21.—Chapter IX.—Forms and Rules.—Section 22.)

- (f) receipts from property vested in the district board;
- (g) rents and profits accruing from nazul and other property placed by the Chief Commissioner under the management of the district board;
- (h) other sums assigned to the district fund by the Chief Commissioner, and sums contributed thereto by local bodies or private persons; and
- (i) all other sums received by or on behalf of the district board in the carrying out of this Regulation.
- (2) The district fund shall be vested in the district board, and the balance standing at the credit of the fund shall be kept in the Government Treasury.
- (3) The district fund shall be charged with the payment of the expenses incurred in auditing the accounts of the district board, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Chief Commissioner to be equitably debitable to the district board in return for services rendered to the board by those Departments.
- (4) Subject to the charges specified in subsection (3), the district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 12, 14, 15 and 16.

## CHAPTER VII.

## CONTROL.

18. (1) When the Commissioner, after due enquiry, is satisfied that a district board has made default in performing any duty imposed upon it by or under this Regulation or any other law for the time being in force, he may, by an order in writing, fix a period for the performance of that duty, and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the board to that person.
- (2) The Chief Commissioner may confirm, modify or rescind any order made under this section by the Commissioner.
19. The Commissioner may suspend, and the Chief Commissioner may cancel, any proceeding of a board, if in his opinion the proceeding is in excess of the powers conferred by law, or is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.
20. (1) If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds or

abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the Gazette of India, declare the board to be incompetent or in persistent default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a district board is so superseded, the following consequences shall ensue:—

- (a) all members of the board, and all members of the local boards (if any) of the district, shall, from the date of the order, vacate their offices as such members;
- (b) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner, from time to time, appoints in that behalf; and
- (c) all property vested in the district board shall, during the period of supersession, vest in Her Majesty.
- (3) On the expiration of the period of supersession specified in the order, the district board and the local boards (if any) shall be re-established, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for appointment or election.

## CHAPTER VIII.

## LIABILITY OF MEMBERS OF BOARDS.

21 A person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of that board or of a local board, and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

## CHAPTER IX.

## FORMS AND RULES.

22. (1) The Chief Commissioner may, from time to time, frame forms for any proceeding for which he considers that a form should be provided, and make rules consistent with this Regulation—

- (a) as to the mode and time of appointment or election of members of boards, and the qualifications and disqualifications of such members, and the qualifications and disqualifications of electors, and generally for regulating all elections under this Regulation;
- (b) as to the term of office of members, and the filling of casual vacancies;
- (c) as to the conduct of proceedings of boards, including the minimum number of meetings to be held and the maximum interval between successive meetings, the

*The Ajmere Rural Boards Regulation, 1886.*  
(Chapter IX.—Forms and Rules.—Section 23.)

mode of convening, and notice to be given of, meetings, the quorum necessary for the transaction of business at any meeting, the representation of any members at meetings by proxies appointed either from among the other members or otherwise, the appointment or election and the term of office of chairmen, vice chairmen and secretaries, the giving of a casting vote in case of an equality of votes at a meeting, the formation of committees and the delegation of powers to them, and the recording of minutes of proceedings and the transmission of copies of those minutes to the Commissioner;

- (d) as to the powers of boards to enter into contracts and transfer property, and as to the mode in which boards shall execute contracts;
- (e) as to the authority on which money may be paid from the district fund;
- (f) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of a board, and as to the authority by which, and the conditions subject to which, such plans and estimates may be sanctioned;
- (g) as to the accounts to be kept, and as to the manner in which those accounts shall be audited and published;
- (h) as to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned;
- (i) as to the returns, statements and reports to be submitted by boards;
- (j) as to the apportionment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area; and,
- (k) generally, for the guidance of boards and officers of Government in all matters connected with the carrying out of this Regulation and for settling their relations to one another.

(2) The Chief Commissioner shall, before making any rules under this section, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(3) Every rule made under this section shall be published in such manner as the Chief Commissioner may, from time to time, prescribe in this behalf; and such publication shall be conclusive evidence that the rule has been made as required by sub-section (2).

23. The district board, and, with the previous sanction of the district board, a local board, may, from time to time, make rules consistent with this Regulation, and with any rules

made under this Regulation by the Chief Commissioner, as to—

- (a) the time and place of its meetings;
- (b) the conduct of proceedings at meetings and the adjournment of meetings;
- (c) the division of duties among the members of the board, and the powers to be exercised by members to whom particular duties have been assigned;
- (d) the persons by whom receipts may be granted on behalf of the board for money paid under this Regulation; and
- (e) other similar matters.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

## HOME DEPARTMENT.

### NOTIFICATIONS—ESTABLISHMENTS.

*Simla, the 14th October, 1886.*

No. 246.—Mr. F. C. Daukes, C.S., Under-Secretary to the Government of India in the Home Department, is deputed to perform the duties of Secretary to the Public Service Commission to be appointed under the Resolution in the Home Department No. <sup>34</sup>1573-98, dated 4th October, 1886.

No. 247.—Mr. J. P. Hewett, C.S., Junior Secretary to the Board of Revenue, North-Western Provinces, is appointed to officiate as Under-Secretary to the Government of India in the Home Department during the absence on deputation of Mr. F. C. Daukes, C.S.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 13th October, 1886.*

No. 1952 G.—With reference to Foreign Department Notification, No. 1536 G., dated the 3rd August, 1886, the recognition of the appointment by the Government of India of Mr. W. J. Eales as Consular Agent for the Austro-Hungarian Empire in the Central and Southern Divisions of the Madras Presidency, has been confirmed by Her Majesty's Government.

No. 1956 G.—Captain I. MacIvor, Political Agent of the 3rd Class, sub. *pro tem.*, and First Assistant to the Governor-General's Agent in Baluchistan, officiated as a Resident of the 2nd Class and as Governor-General's Agent in Baluchistan, from the 22nd April to the 12th May, 1886.

*The 14th October, 1886.*

No. 1965 G.—Consequent on the retirement of Captain T. Hope, Bombay S. C., the following promotion and appointment are made in the

Political Department, with effect from the 6th July, 1886:—

Captain C. W. Ravenshaw, Political Assistant of the 3rd Class, to be a Political Assistant of the 2nd Class, but to continue as a Political Assistant of the 1st Class, sub. *pro tem*.

Lieutenant W. Evans-Gordon, to be a Political Assistant of the 3rd Class, but to continue as a Political Assistant of the 1st Class, sub. *pro tem*.

*The 15th October, 1886.*

No. 2354 E.—The following Notifications of the Government of India, Foreign Department, respecting the appointment of Justices of the Peace within the territories of His Highness the Khan of Kalat are hereby cancelled:—

No. 1368 P., dated the 4th July, 1878.

No. 2781 E.P., dated the 19th December, 1879.

*The 12th October, 1886.*

No. 1721 F.—Surgeon C. W. Owen, C.I.E., in medical charge of the Afghan Boundary Commission, is granted three months' privilege leave, with effect from such date, subsequent to the return of the Commission to India, as he may avail himself of it.

No. 1728 F.—The services of the undermentioned officers, employed under the orders of Her Majesty's Commissioner for the Delimitation of the Afghan Boundary, are replaced at the disposal of their respective Departments, with effect from the date of their arrival in India from the Frontier:—

#### *Military Department.*

Major P. J. Maitland, Poona Horse, Assistant Quarter Master-General, Intelligence Branch.

Captain W. Peacocke, R.E.

Ressaldar-Major Bahawaldeen Khan, Bahadur, 1st Regiment, Central India Horse.

#### *Revenue and Agricultural Department.*

Major T. H. Holdich, R.E., Deputy Superintendent, 3rd Grade, Survey of India.

Captain St. G. C. Gore, R.E., Deputy Superintendent, 4th Grade, Survey of India.

Captain the Hon<sup>ble</sup> M. G. Talbot, R.E., Assistant Superintendent, 1st Grade, Survey of India.

Mr. C. L. Griesbach, F.G.S., Deputy Superintendent, Geological Survey.

#### *Punjab Government.*

Ressaldar-Major Muhammad Aslam Khan, Commandant Corps of Jezailchis.

Kazi Muhammad Aslam Khan, Assistant Commissioner, 3rd Grade.

Sardar Sher Ahmad Khan, officiating Extra Assistant Commissioner.

Khan Bahadur Ibrahim Khan, Assistant District Superintendent of Police, 2nd Class, 1st Grade.

Ghulam Ahmad, C.I.E., Extra Assistant Commissioner, 5th Grade.

H. M. DURAND,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 12th October, 1886.*

No. 3638.—The services of Surgeon F. F. MacCartie having been replaced at the disposal of the Government of Bombay, he made over charge of his duties as a probationer in the Office of the Assay Master, Bombay Mint, after noon on the 14th September, 1886.

*The 15th October, 1886.*

No. 3583.—Colonel J. H. White, R.E., Mint Master, Bombay, having been granted privilege leave for two months and twenty-nine days, and Major A. W. Baird, R.E., having been appointed to officiate for him, Colonel White made over and Major Baird received charge of the Bombay Mint after noon on the 6th October, 1886.

J. F. FINLAY,

*Offg. Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 15th October, 1886.*

### APPOINTMENTS.

No. 675.—The following temporary appointment on the Personal Staff of Major-General G. S. White, C.B., V.C., Commanding the troops in Upper Burma, is made, with effect from date of joining:—

Lieutenant S. C. E. Jackson, 2nd Battalion, Hampshire Regiment, to be Aide-de-Camp, *vice* Lieutenant Q. G. K. Agnew, Royal Scots Fusiliers, who rejoins his regiment.

#### No. 676.—ADJUTANT-GENERAL'S DEPARTMENT—

Major G. H. C. Dyce, Bengal S. C., Wing Commander, 21st Bengal Infantry, to be a Deputy Assistant Adjutant-General, *vice* Colonel H. M. Evans, appointed Assistant Adjutant-General. Dated 6th September, 1886.

#### No. 677.—BRIGADE STAFF—

Colonel C. B. LeMesurier, R.A., to the Brigade Staff of the Army temporarily, with the rank of Brigadier-General, *vice* Brigadier-General C. J. East, appointed to the command of a brigade of the Burma Field Force. Dated 27th September, 1886.

#### No. 678.—BURMA FIELD FORCE—

In continuation of G. G. O. No. 188 of 1886, the following appointment is made in the Burmah Field Force:—

Major A. W. H. Hornsby, Madras S. C., Deputy-Assistant Quarter Master-General, Madras Army, to be Deputy Assistant Adjutant and Quarter Master General, *vice* Captain G. Henry, R.E., who returns to the Madras Presidency.

**No. 670.—PUNJAB FRONTIER FORCE—**

Brigadier-General J. W. McQueen, C.B., S. C., Aide-de-Camp to the Queen, Commandant, Hyderabad Contingent, to be Commandant, Punjab Frontier Force, *vice* Brigadier-General Sir C. M. MacGregor, K.C.B., C.S.I., C.I.E., who vacates that appointment under paragraph 50, Army Regulations, India, Vol. I, Part I. Dated 15th October, 1886.

**No. 680.—STAFF CORPS—**

Lieutenant Charles Archer, Dorsetshire Regiment, officiating Wing Officer, 2nd Punjab Infantry, Punjab Frontier Force, is admitted to the Bengal Staff Corps from the 6th September, 1885, subject to the confirmation of the Secretary of State for India.

**VOLUNTEER CORPS.**

*2nd Punjab (Simla), Volunteer Rifle Corps.*

**No. 681.**—Mr. Norman Colin McLeod to be Lieutenant, *vice* Lieutenant W. H. Lett, who has resigned the appointment.

*Allahabad Volunteer Rifle Corps.*

**No. 682.**—Captain John Patrick Walter Spankie, Bengal S. C., to be Captain, and Messrs. George MacLagan Chesney and Francis Walter Eickie to be Lieutenants,—to complete the establishment.

**FURLOUGH AND LEAVE.**

**No. 683.**—The undermentioned warrant officer is granted furlough out of India, with the necessary subsidiary leave :—

Sub-Conductor T. Power, Commissariat Department, (m. c.) for one year, under rule VI of the regulations of 1875.

**No. 684.**—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty :—

Colonel J. Upperton, C.B., Bengal S. C., (p. a.) for one year. Pension-service,—over thirty years.

Colonel A. J. C. Birch, Bengal S. C., Commandant, 25th Bengal Infantry, (p. a.) for one year. Pension-service,—over thirty years.

Lieutenant-Colonel T. F. Bruce, Bengal S. C., 6th Punjab Infantry, Punjab Frontier Force, (p. a.) for one year. Pension-service,—twenty-seven years and 140 days.

Captain G. U. Browne, Bengal S. C., 12th Bengal Cavalry, (p. a.) for one year. Pension-service,—twelve years and twenty-five days.

Lieutenant C. C. Reid, Bengal S. C., 4th Sikh Infantry, Punjab Frontier Force, (p. a.) for one year. Pension-service,—four years and 359 days.

**No. 685.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Colonel H. Rowband, Infantry, (m. c.) for six months.

Major J. P. D. Vanrenen, Bengal S. C., (m. c.) for six months.

Major G. F. Churchill, Bengal S. C., (p. a.) for two months.

Captain M. I. Gibbs, Bengal S. C., (p. a.) for fourteen days.

Captain R. O. Lloyd, R. E., (p. a.) for one year.

Honorary-Captain P. Carr, Commissariat Department, (m. c.) for six months.

**No. 686.**—Lieutenant T. D. Leslie, probationer, Bengal S. C., 3rd Infantry, Hyderabad Contingent, is granted leave in India, (m. c.) for fifty-eight days in extension of that notified in G. G. O. No. 453 of 1886.

**LONDON GAZETTE.**

**No. 637.**—The following extracts are published for general information :—

"*London Gazette*," dated the 14th September, 1886, page 4422.

"INDIA OFFICE ;

14th September, 1886.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Forces, made by the Governments in India :—

**BENGAL STAFF CORPS.**

*To be Lieutenant-Colonels.*

Major Thomas Renny Cowie. Dated 4th July, 1886.

Major Elliot Alexander Money. Dated 16th July, 1886.

*To be Major.*

Captain Francis Richard Begbie. Dated 20th July, 1886.

*To be Captain.*

Lieutenant Edward Charles Mortimer Lushington. Dated 27th June, 1886.

**BENGAL INFANTRY.**

*To be Lieutenant-Colonels.*

Major Henry John Peet. Dated 26th June, 1886.

Major and Colonel Sullivan Edward Becher. Dated 7th July, 1886.

**BENGAL MEDICAL ESTABLISHMENT.**

*To be Deputy Surgeon-General.*

Brigade-Surgeon James Howard Thornton, C.B. Dated 30th June, 1886.

\* \* \* \* \*

**INDIAN ARMY.**

*To be Colonel.*

Lieutenant-Colonel Henry Alexander Shakespeare, Bengal Cavalry. Dated 1st July, 1886."

**PENSIONS.**

**No. 688.**—Conductor Patrick Collins, Public Works Department, is transferred to the pension establishment, with effect from the 10th October, 1886.

## PROMOTIONS.

No. 689.—The following promotions are made, subject to Her Majesty's approval:—

## BENGAL ARMY.

*To be Colonel.*

Lieutenant-Colonel and Colonel Leopold Exxel Evans, Bengal Infantry,—15th October, 1886.

## MEDICAL DEPARTMENT.

*To be Brigade-Surgeon.*

Surgeon-Major George Cochet Chesnaye, *vice* Brigade-Surgeon J. Browne, M.D., retired, Dated 18th August, 1886.

## No. 690.—NATIVE ARMY—

*17th Bengal Cavalry.*

Kot-Duffadar Ráhbádín Khan to be Jemadar, to complete the establishment,—with effect from the 10th August, 1886.

*13th Bengal Infantry.*

Havildar Sháma to be Jemadar, *vice* Jemadar Rádhá Singh, transferred to the Burmah Police,—with effect from the 4th August, 1886.

## No. 691.—PUNJAB FRONTIER FORCE—

*6th Punjab Infantry.*

Havildar Gúrditt Singh to be Jemadar, *vice* Jemadar Súbba Singh, transferred to the Burmah Police,—with effect from the 12th September, 1886.

## No. 692.—VOLUNTEER CORPS—

*1st Punjab Volunteer Rifle Corps.*

Lieutenant William Mitchell to be Captain, *vice* Captain Stranack, become supernumerary.

Mr. Cecil Ernest Gladstone to be Lieutenant, *vice* Lieutenant W. Mitchell, promoted.

## RETIREMENTS.

No. 693.—Brigade-Surgeon James Fairweather, M.D., is permitted to retire from the service, with effect from the 19th October, 1886, subject to Her Majesty's approval.

No. 694.—Honorary-Major Frederic William Dunn, Army Education Department, is permitted to retire from the service, with effect from the 1st October, 1886, subject to Her Majesty's approval.

## MARINE DEPARTMENT.

## FURLOUGH AND LEAVE.

No. 41.—The undermentioned officers of Her Majesty's Indian Marine have been granted extensions of furlough by the Secretary of State for India:—

Captain F. Warden, (m. c.) for six months.

Mr. B. Ashburner, Third Grade Officer, (m. c.) for six months.

O. R. NEWMARCH, *Major-General,*

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 11th October, 1886.*

No. 253.—The following promotions are made in the Superior Accounts Establishment:

Names.	From	To	With effect from
Major A. G. Begbie, R.E.	Examiner, 1st Class, sub. <i>pro tem.</i>	Examiner, 1st Class, permanent	20th September, 1886.
Mr. R. G. Macdonald	Examiner, 2nd Class, sub. <i>pro tem.</i>	Examiner, 2nd Class, permanent	
Mr. F. Morrison	Examiner, 3rd Class, sub. <i>pro tem.</i>	Examiner, 3rd Class, permanent	
Mr. J. Douglas	Examiner, 4th Class, 1st Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 1st Grade, permanent.	6th August, 1886.
Mr. W. H. Brand	Examiner, 4th Class, 2nd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 2nd Grade, permanent.	
Mr. I. S. Sherlock-Hubbard	Examiner, 4th Class, 3rd Grade, permanent.		
Mr. A. C. Newcombe	Examiner, 4th Class, 3rd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 3rd Grade, permanent.	6th August, 1886.
Captain H. Clarke, R.E.	Examiner, 4th Class, 3rd Grade, temporary.		20th September, 1886.
Mr. F. Rawson	Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.	6th August, 1886.
Mr. C. R. T. Balston			20th September, 1886.
Mr. H. A. D. Wathen	Deputy Examiner, 2nd Grade, temporary.	Deputy Examiner, 2nd Grade, permanent.	1st July, 1886.
Lieutenant C. A. R. Browne, R.E.			6th August, 1886.
Lieutenant W. R. Hilliard, R.E.			20th September, 1886.
Mr. G. C. Wolfe	Assistant Examiner, 2nd Grade, temporary.	Assistant Examiner, 1st Grade, permanent.	1st July, 1886.

*The 12th October, 1886.*

No. 260.—Mr. T. R. Wynne, Executive Engineer, 3rd Grade, State Railways, has been granted by the Right Honorable the Secretary of State for India extraordinary leave without pay for twelve months, in extension of the leave granted to him in Bombay Government Notification No. 11 of 24th March, 1886.

*The 13th October, 1886.*

No. 261.—Mr. H. Lambert, Superintending Engineer, 1st Class, sub. *pro tem.*, attached to State Railways, is permitted to retire from the service of Government, with effect from the 4th July, 1886.

No. 262.—Mr. A. B. Sampson, B.A., Under-Secretary to the Government of India in the Public Works Department, is granted six months' special leave on urgent private affairs, under Sections 46 and 61, Chapter V, of the Civil Leave Code, with effect from the 14th November, 1886, or such subsequent date as he may avail himself of it.

*The 14th October, 1886.*

No. 263.—The following Assistant Engineers, 2nd Grade, appointed by the Secretary of State for India in Council from the Royal Indian Engineering College, who have gone through a course of practical training in England, are posted as follows:

*To Madras.*

Mr. Henry Allan Moss.  
Mr. John Strode Wilson.

*To Bombay.*

Mr. Robert Barnes.  
Mr. George Charles Beresford.  
Mr. Arthur William Shepard.

*To Bengal.*

Mr. Graves Lempriere Searight.  
Mr. John Charles Hewitt.

*To North-Western Provinces and Oudh.*

Mr. James Adam.  
Mr. David Wann Aikman.

*To Punjab.*

Mr. Frank Grant.  
Mr. Frederick William Carne.

*The 15th October, 1886.*

No. 266.—The following permanent promotions are made in the Indian Telegraph Department, *vice* Mr. W. McGregor, retired, with effect from 22nd September, 1886:

Names.	From	To
Mr. J. F. Bevan	Superintendent, 3rd Grade, and officiating Superintendent, 2nd Grade.	Superintendent, 2nd Grade.
Mr. H. M. O'Kelly	Superintendent, 4th Grade, and officiating Superintendent, 3rd Grade.	Superintendent, 3rd Grade.
Mr. C. Duffin	Superintendent, 5th Grade, and officiating Superintendent, 3rd Grade.	Superintendent, 4th Grade.
Mr. F. Kinsman	Assistant Superintendent, 1st Grade, and officiating Superintendent, 4th Grade.	Superintendent, 5th Grade.

*To Central Provinces.*

Mr. Percy William Gilliland.

*To Burma.*

Mr. Archibald Hamilton Broūn.

*To State Railways.*

Mr. Charles Thornton Rennie Scovell.  
Mr. William Nathan.  
Mr. John Cromie Lyle.

No. 264.—With reference to Public Works Department Notification No. 263 of this date, the services of the undermentioned Assistant Engineers, 2nd Grade, are placed at the disposal of the Director-General of Railways:

Mr. C. T. R. Scovell.  
Mr. W. Nathan.  
Mr. J. C. Lyle.

No. 265.—Captain J. Burn-Murdoch, R.E., Executive Engineer, 4th Grade, sub. *pro tem.*, State Railways, is appointed to officiate as Deputy Consulting Engineer for Railways, Bombay.

*The 15th October, 1886.*

No. 267.—Mr. G. H. LeMaistre, Deputy Examiner, attached to the Office of Examiner of Public Works Accounts, Punjab, is transferred to the Office of the Examiner of Accounts, North-Western Railway.

No. 268.—Mr. W. E. Curry, Deputy Examiner, is transferred from the Office of the Government Examiner of Accounts, Southern Maharashtra Railway Company, to that of the Examiner of Guaranteed Railway Accounts, Madras.

No. 269.—With reference to Public Works Department Notification No. 233, dated 16th September, 1886, Colonel W. S. Trevor, V.C., R.E., resumed charge of the Office of Secretary to the Government of India in the Public Works Department on the forenoon of the 15th October, 1886, on return from privilege leave.

TELEGRAPH.

*The 11th October, 1886.*

No. 259.—Mr. E. C. Bird, Superintendent, 4th Grade, Indian Telegraph Department, is appointed to officiate as Superintendent, 3rd Grade, with effect from 19th September, 1886, until further orders.

W. S. TREVOR, Colonel, R.E.,  
Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 43.

SIMLA, SATURDAY, OCTOBER 23, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 43.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### MILITARY SECRETARY'S OFFICE.

#### NOTIFICATION.

*Simla, the 20th October, 1886.*

#### Programme of His Excellency the Viceroy's Arrival in Calcutta.

HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL will arrive in Calcutta, by the *I. G. S. Clive*, on Monday, the 13th December, 1886, and will disembark at Prinsep's Ghât about 5 P.M.

HIS EXCELLENCY will be received at Prinsep's Ghât by His Honour the Lieutenant-Governor of Bengal, Members of His Excellency's Council, the principal Civil and Military Officers, and other Gentlemen who are desirous of attending.

A Guard of Honor of Native Infantry, with Band and Colour, will be drawn up at Prinsep's Ghât.

His Excellency the Viceroy's Body-Guard and the Calcutta Mounted Rifles will form the Escort.

The route taken will be by the Strand Road and Esplanade Row into Government House by the North-West Entrance.

Guards of Honor of British Infantry and of the Administrative Battalion, Presidency Volunteers, with Band, will be drawn up in front of the Grand Staircase of Government House.

A Viceregal Salute will be fired from the Ramparts of Fort William as HIS EXCELLENCY lands.

Full dress will be worn by Officers entitled to wear uniform. Gentlemen not entitled to wear uniform will appear in Morning dress.

By Command,

WILLIAM BERESFORD, Major,

*Military Secretary to the Viceroy.*

## LEGISLATIVE DEPARTMENT.

## NOTIFICATIONS.

Simla, the 21st October, 1886.

No. 20.—Whereas by resolution passed by the Secretary of State for India in Council the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States;

And whereas the Chief Commissioner of Burma has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India:—

## REGULATION No. VII OF 1886.

*A Regulation to provide for the administration of Criminal Justice in Upper Burma.*

WHEREAS it is expedient to provide for the administration of Criminal Justice in Upper Burma; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Upper Burma Criminal Justice Regulation, 1886; and

(2) It shall come into force on such date, within three months from the time at which it may receive the Governor General's assent, as the Local Government may by notification in the official Gazette appoint in this behalf.

2. (1) Subject to the modifications set forth in the schedule to this Regulation, the Code of Criminal Procedure, 1882, as amended by Acts III of 1884 and X of 1886 (which Code as so amended is in this Regulation referred to as "the Code"), shall extend to the whole of Upper Burma except the Shan States, so far as it can be made applicable in the circumstances for the time being.

(2) For the purpose of facilitating the application of the Code, any Magistrate or Court may construe any provision therein with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Magistrate or Court.

3. Any power conferred on the Local Government by the Code as modified by this Regulation to make rules or issue orders may be exercised at any time after the passing of this Regulation, but a rule or order so made or issued shall not take effect until the Regulation comes into force.

4. This Regulation shall expire on the thirty-first day of December, 1888, unless its operation is extended beyond that date by an order of the Governor-General in Council.

## SCHEDULE.

(SECTION 2, SUB-SECTION (1).)

*Modifications subject to which the Code is to extend to Upper Burma with the exception of the Shan States.*

"High Court."  
(Section 4, cl. (i).)

I. (1) "High Court" shall mean—

(i) in reference to proceedings against European British subjects, the Recorder of Rangoon; and

(ii) in reference to proceedings against other persons —

(a) in the case of Chapter XXVII and sections 381 and 382, and of appeal from, and revision of, a sentence of death, the Local Government; and

(b) in other cases, an officer to be appointed in this behalf by the Local Government with the previous sanction of the Governor General in Council and to be styled the Judicial Commissioner of Upper Burma:

Provided, with respect to clause (a) of the second part of this definition, that the Local Government may from time to time by order in writing direct that the functions assigned to the Local Government as High Court by that clause shall, for any local area described in the order, be discharged by the Judicial Commissioner of Upper Burma, and may at any time revoke an order under this proviso with effect on and from such date subsequent to the notification of the revocation thereof to the Judicial Commissioner as the Local Government may appoint.

(2) That portion of sub-section (1) which declares the Recorder of Rangoon to be the High Court in reference to proceedings against European British subjects is enacted with the previous sanction of the Secretary of State.

II. The police-officer of highest rank present at a police-station-house shall be deemed to be an "officer in charge of a police-station."  
(Section 4, cl. (c).)

III. (1) Each district shall be a Sessions Division, the Court of the District Magistrate shall be the Court of Session for that Division, and the District Magistrate shall be the Judge of that Court.

(2) As Judge of a Court of Session, a District Magistrate may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him by a Magistrate, and, when so taking cognizance of an offence, shall, subject to the provisions of this Regulation, follow the procedure prescribed for the trial of warrant-cases by Magistrates.

(3) A trial before a Court of Session may be without jury or aid of assessors.

IV. Notwithstanding anything in Act V of 1861, or in any other enactment for the time being in force, the Local Government may confer on any police-officer all or any of the powers conferred or

conferable by or under the Code on any Magistrate, in regard to particular cases, or to a particular class or particular classes of cases, or to cases generally.

Whipping.  
(Section 32.)

V. (1) A Magistrate of any class may pass a sentence of whipping.

(2) A Magistrate of the second class may pass a sentence of whipping without being specially empowered in that behalf by the Local Government.

(3) A Magistrate of the third class shall not pass a sentence of whipping unless he is specially empowered in that behalf by the Local Government.

VI. (1) Magistrates described in the first column of the following table shall have the powers severally specified against them in the second column thereof, without being further empowered in that behalf:

Magistrates.	Powers.
1	2
Magistrates of the first class.	To require security for good behaviour, section 110; To make orders as to local nuisances, section 133.
Magistrates of the first or second class.	To make orders prohibiting repetition of nuisances, section 143; To make orders under section 144.
Magistrates of the first, second or third class.	To entertain complaints, section 191; To receive police-reports, section 191; To entertain cases without complaint, section 191.
Sub-divisional Magistrates.	To call for records, section 435.

(2) The Local Government may empower a Magistrate of any class to try in a summary way under Chapter XXII any offence mentioned in section 260 which under section 29 he is competent to try.

Power to any police-officer to act under section 55.  
(Section 55.)

VII. Any police-officer may exercise the powers conferred by section 55 on an officer in charge of a police-station.

VIII. (1) Notwithstanding anything in section 57 or section 61, an officer in charge of a police-station may detain a person arrested without warrant so long as under all the circumstances of the case is reasonable:

(2) But when the officer of his own authority detains any such person in custody for a longer period than twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court, he shall state in the report prescribed in section 62 his reasons for prolonging the detention of the person, and, where the detention extends beyond three days,

shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.

IX. Nothing in the first paragraph of section 162 shall be construed to apply to a statement made to a police-officer who is a Magistrate.

X. A prosecution for an offence against the State, or for the offence of giving false evidence in respect of a statement made by a person who has accepted a tender of pardon, may be entertained upon complaint made by order of, or under authority from, the District Magistrate.

XI. A Magistrate tendering a pardon to an accomplice under section 337 need not record his reasons for so doing, and, notwithstanding anything in that section, may try the case himself.

XII. (1) In inquiries and trials (other than summary trials) by or before a Magistrate or Court of Session, it shall be sufficient if the Magistrate, or Court makes a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

(2) Notwithstanding anything in sub-section (1) or in the Code, the Local Government may from time to time make rules with respect to the record to be made in cases tried by such Myothugyis and Thugyis as are Magistrates of the third class, and as to the disposal of the record.

XIII. In the case of a sentence of imprisonment for a term not exceeding six months, the Court passing the sentence may forward the accused with a warrant to the District Magistrate, who may in his discretion either cause the prisoner to be employed in any part of the district on roads or other works of public utility, or forward him to the nearest jail.

XIV. (1) A person convicted on a trial held by a District Magistrate may appeal to the High Court.

(2) Notwithstanding anything in the Indian Limitation Act, 1877, the period of limitation for an appeal to the High Court shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction.

XV. (1) Notwithstanding anything in this schedule or in the Code, an appeal shall not lie—

- in a case in which a Magistrate of the third class passes a sentence of imprisonment for a term not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only; or
- in a case in which a Magistrate of the second class passes a sentence of imprisonment for a term not exceeding three months only, or of fine not exceeding one hundred rupees only, or of whipping only; or

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(c) in a case in which a Magistrate of the first class passes a sentence of imprisonment for a term not exceeding six months only, or of fine not exceeding five hundred rupees only, or of whipping only; or

(d) in a case in which a District Magistrate or Court of Session passes a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding one thousand rupees, or of whipping, or of all or any of those punishments combined.

(2) The Governor-General in Council may at any time, by notification in the official Gazette, direct that this section shall cease to be in force in any district with effect from a date to be specified in the notification.

(3) While this section is in force in any district, the District Magistrate may, in any case in which he has himself called for, or a Sub-divisional Magistrate has forwarded to him, the record of a proceeding before a Magistrate of the second or of the third class, pass such order in the case as he thinks fit.

XVI. In any case in which an appeal lies, the Appellate Court may enhance any punishment which has been awarded:

Provided that, if the appeal is from the sentence of a Magistrate of any class, the Appellate Court shall not inflict a greater punishment than might have been inflicted by a Magistrate of the first class.

XVII. Where an offence referred to in section 195 is committed before a Judge of a Criminal Court or Magistrate, or in contempt of his authority, or is brought to his notice in the course of a judicial proceeding, he may himself try for the offence the person accused thereof.

XVIII. Notwithstanding anything in section 495, a Court may allow any police-officer to conduct a prosecution.

XIX. A Court may, for reasons to be stated in writing, refuse to exercise in the manner mentioned in section 526A the power of postponement or adjournment given by section 344.

XX. Notwithstanding anything in the Code, a finding, sentence or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned a failure of justice.

XXI. Rules under section 553, clause (c), may regulate the following among other matters, namely:—

- (a) the fees to be paid for processes; and
- (b) the fees to be paid for copies and inspection of records.

XXII. Nothing in this schedule with respect to procedure in inquiries or trials, or with respect to sentences or appeals therefrom or the enhancement or execution thereof, shall be

construed to affect the Code in its application to European British subjects.

#### Transitory Provision.

XXIII. Until a Judicial Commissioner is appointed for Upper Burma, the functions assigned or assignable to him by or under the Code as modified by this Regulation shall be discharged by Commissioners in and for their respective divisions as for the time being defined under section 3 of the Upper Burma Laws Act, 1876.

No. 21.—Whereas by resolution passed by the Secretary of State for India in Council the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States;

And whereas the Chief Commissioner of Burma has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India:—

#### REGULATION No. VIII OF 1886.

#### THE UPPER BURMA CIVIL JUSTICE REGULATION, 1886.

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*A Regulation to provide for the Administration of Civil Justice in Upper Burma.*

Whereas it is expedient to provide for the administration of civil justice in Upper Burma; It is hereby enacted as follows :—

**CHAPTER I.**

**PRELIMINARY.**

1. (1) This Regulation may be called the Upper Burma Civil Justice Regulation, 1886.  
Short title, extent and commencement.

- (2) It extends to the whole of Upper Burma except the Shan States; and

- (3) It shall come into force on such date, within three months from the time at which it may receive the Governor-General's assent, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

- (4) Any power conferred by this Regulation to make rules or issue orders may be exercised at any time after the passing of this Regulation, but a rule or order so made or issued shall not take effect until the Regulation comes into force.

2. (1) The provisions of the General Clauses Act, 1868, shall, so far as they may be applicable, apply to this Regulation.  
Interpretation.

- (2) "Value", used with reference to a suit, means the amount or value of the subject-matter thereof.

**CHAPTER II.**

**THE COURTS.**

*(1).—In Upper Burma generally.*

3. Besides the Civil Court having ordinary original jurisdiction within the Town of Mandalay under this Regulation, and the Courts established under any other enactment for the time being in force, the Civil Courts in Upper Burma shall be of five grades, namely :—

- (1) the Court of the Judicial Commissioner;  
(2) the Court of the Deputy Commissioner;  
(3) the Court of the Sub-divisional Officer;  
(4) the Court of the Township Officer; and  
(5) the Court of the Circle Officer.

4. (1) The Judicial Commissioner shall be appointed and re-appointed and may be removed by the Local Government with the previous sanction of the Governor-General in Council.

- (2) Deputy Commissioners, Sub-divisional Officers and Township Officers shall be appointed and may be removed by the Local Government.

- (3) Circle officers shall be appointed and may be removed by the Judicial Commissioner.

- (4) Notwithstanding anything in Act V of 1861, or in any other enactment for the time being in force, a police-officer may be appointed a Circle Officer for the purposes of this Regulation.

5. (1) The Local Government may fix and vary—  
Number of Courts of second, third, fourth and fifth grades.

- (a) with the previous sanction of the Governor-General in Council, the number of Courts of Deputy Commissioners, and

- (b) of its own authority, the number of Courts of Sub-divisional Officers and Township Officers.

- (2) The Judicial Commissioner may fix and vary the number of Courts of Circle Officers.

6. (1) The Local Government may, by notification in the official Gazette, fix and vary the local limits of the jurisdiction of Courts of Deputy Commissioners, Sub-divisional Officers and Township Officers.  
Power to fix local limits of jurisdiction of Courts of second, third, fourth and fifth grades.

- (2) The Judicial Commissioner may fix and vary the local limits of the jurisdiction of Courts of Circle Officers.

7. Except as otherwise provided by any other enactment for the time being in force—  
Original jurisdiction of Courts.

- (a) the Court of the Circle Officer shall have jurisdiction in original suits of value not exceeding fifty rupees;

- (b) the Court of the Township Officer shall have jurisdiction in original suits of value not exceeding three hundred rupees; and

- (c) the Court of the Sub-divisional Officer and the Court of the Deputy Commissioner shall have jurisdiction in original suits without limit as regards the value.

*The Upper Burma Civil Justice Regulation, 1886.*  
(Chapter II.—The Courts.—Sections 8-16.)

8. (1) Subject to the provisions of this Regulation, the Court of the Judicial Commissioner shall, for the purposes of all enactments relating to civil jurisdiction for the time being in force, be deemed to be the High Court for Upper Burma.

(2) Subject to those provisions, the Court of the Deputy Commissioner shall, for the same purposes, be deemed to be the principal Civil Court of original jurisdiction and the District Court for the local area within its jurisdiction:

Provided that the Local Government may, by notification in the official Gazette, direct that the Court of the Sub-divisional Officer shall, for the purposes of any enactment specified in the notification, be deemed to be the District Court for the local area within its jurisdiction.

9. (1) The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Judicial Commissioner.

(2) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the Deputy Commissioner shall control all other Civil Courts in the local area within his jurisdiction.

(2).—In the Town of Mandalay only.

10. (1) There shall be a Civil Court, to be known as the Civil Court of Mandalay, having jurisdiction within the Town of Mandalay, and consisting of two Judges, to be called respectively the First Judge and the Second Judge, who shall be appointed and may be removed by the Local Government.

(2) The Local Government may define the limits of the Town of Mandalay as the local area subject to the jurisdiction of the Civil Court of Mandalay.

(3) Section 8, sub-section (1), and section 9, sub-section (1), with respect to the Court of the Judicial Commissioner, apply to that Court in its relation to the Civil Court of Mandalay.

11. The Civil Court of Mandalay shall have jurisdiction to try—

(a) all original suits of a civil nature arising within the Town of Mandalay, and

(b) all original suits of a civil nature which may be transferred to it for disposal under this Regulation.

12. Subject to the provisions of this Regulation and of any other enactment for the time being in force, the Local Government may, after consultation with the Judicial Commissioner, make rules providing, in such manner as it thinks fit, for the exercise by one of the Judges of the Civil Court of Mandalay of all or any of the powers of that Court.

13. (1) Where the two Judges of the Civil Court of Mandalay sitting together are of the same opinion as to a decree or order to be made, the decree or order shall follow their opinion.

(2) If they differ as to a question of law or usage having the force of law, or in construing a document the construction of which may affect the merits, they shall draw up, and refer for the decision of the Judicial Commissioner, a statement of the facts of the case and of the point on which they differ in opinion, and the provisions of the Code of Civil Procedure applicable to a reference XIV of 1882. to the High Court shall apply.

(3) If they differ on any matter other than a matter specified in sub-section (2), the opinion of the First Judge shall prevail.

14. (1) An appeal shall lie to the First Judge from a decree or order of the Second Judge sitting singly, and to the Court of the Judicial Commissioner from a decree or order of the two Judges sitting together or of the First Judge sitting singly.

(2) The period of limitation for an appeal under this section shall run from the date of the decree or order appealed against, and shall be as follows:—

(a) when the appeal lies to the Court of the First Judge—thirty days:

(b) when the appeal lies to the Court of the Judicial Commissioner—sixty days.

(3) In the computation of these periods of thirty and sixty days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

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15. (1) The Local Government may confer, within the Town of Mandalay, upon the First Judge and the Second Judge the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value not exceeding five hundred rupees and fifty rupees, respectively, as the Local Government thinks fit.

(2) The Local Government may make rules for regulating the distribution of business between the First Judge and the Second Judge under this section.

16. (1) Notwithstanding anything in section 622 of the Code of Civil Procedure, the Judicial Commissioner may in any circumstances call for the record of any case decided in the Civil Court of Mandalay in which an appeal does not lie or in which, for cause shown to his satisfaction, an appeal has not been preferred to himself or to the First Judge, as the case may be, within the time limited therefor.

(2) The First Judge may forward to the Judicial Commissioner, with such remarks as he thinks fit, the record of any case decided by the Second Judge in which an appeal does not lie or in which, for cause shown to the satisfaction of the First Judge, an appeal has not been preferred within the time limited therefor.

(3) The Judicial Commissioner may, in any case called for by him under sub-section (1) or forwarded to him under sub-section (2), pass such order as he thinks fit.

*The Upper Burma Civil Justice Regulation, 1886.*  
(Chapter III.—Civil Procedure.—Sections 17-30.)

## CHAPTER III.

## CIVIL PROCEDURE.

*General Rules.*

17. (1) Except as otherwise provided by any other enactment for the time being in force, the provisions of this Chapter shall apply to all suits and other proceedings in the Civil Courts of Upper Burma, except proceedings in the Civil Court of Mandalay and in the Court of the Judicial Commissioner as a Court of Appeal, Reference or Revision in relation thereto.

(2) Except as aforesaid, and subject to the provisions of this Regulation, proceedings in the Civil Court of Mandalay shall be regulated—

(a) in suits transferred to the Court under this Regulation from a Court having jurisdiction beyond the limits of the Town of Mandalay, by the provisions of this Chapter, and

(b) in other cases, by the provisions of the Code of Civil Procedure, so far as those provisions can be made applicable.

(3) In the Court of the Judicial Commissioner as a Court of Appeal, Reference or Revision in relation to the Civil Court of Mandalay, the rules prescribed in the Code of Civil Procedure shall be followed so far as circumstances permit.

*Prior Adjudications and Pending Suits.*

18. A Court shall not try any suit in which the matter in issue has been heard and finally decided by a Court of competent jurisdiction in a former suit between the same parties in the same rights, or between parties under whom they, or any of them, claim.

19. A Court shall not try any suit in which the matter in issue is also in issue in another suit between the same parties, or between parties under whom they, or any of them, claim, pending in the same or any other Court, whether superior or inferior, in British India.

*Appearances, Applications and Acts by Parties.*

20. (1) The Court may in its discretion, for any sufficient reason, permit any appearance, application or act required to be made or done by a party under this Regulation to be made or done by the party through a duly authorized agent, or through an advocate, vakil or attorney of one of the High Courts, or through an advocate of the first grade in Lower Burma.

(2) Permission under this section shall in all cases be granted to persons exempt from personal appearance in Court.

(3) Except with the permission of the Court granted under the foregoing portion of this section, every appearance, application or act under this Regulation shall be made or done by a party in person.

(4) Where the permission mentioned in this section is granted to a party, the agent, vakil, attorney or advocate must, unless he is an advo-

cate of a High Court established by Royal Charter, be appointed by the party by instrument in writing, and that instrument must be filed in Court.

21. In any case in which the Court has permitted a party not being a person exempt from personal appearance in Court to appear by agent, vakil, attorney or advocate, it may, for reasons to be recorded in writing, withdraw the permission at any stage of the proceedings, and require the party to attend in person.

22. A party required to attend in person under the last foregoing section, and failing so to attend, when required, shall be subject to the provisions of this Regulation applicable to parties who do not appear.

*Institution of Suits.*

23. The plaintiff may begin his suit—

(a) in the Court of a Circle Officer by making a verbal complaint, which shall be reduced to writing by the Court, and

(b) in any other Court by presenting a written plaint.

24. On a complaint being made or a plaint presented, the Court shall register the suit and examine the plaintiff, or his agent, vakil, attorney or advocate, as to the merits of the case.

25. If upon the examination it appears that there is no substantial cause of action, or that the claim is one which from its nature is not a proper subject of litigation in a Civil Court, the Court may dismiss the suit.

26. If upon the examination it is found that the plaintiff sets forth a good cause of action, the Court shall issue a summons to the defendant to appear and answer at a certain place and on a certain day.

*Service of Summons on Defendants.*

27. Service of the summons shall be made by delivering or tendering a copy thereof under the signature of the Judge and seal of the Court, and, when there are more defendants than one, service of the summons shall be made on each defendant.

28. Whenever it is practicable, the service shall be on the defendant in person.

29. When the defendant cannot be found, the service may be on any adult male member of his family residing with him.

30. (1) Where the summons is served on the defendant personally, or on any person on his behalf, the person on whom the service is made shall be required to sign an acknowledgment of service.

*The Upper Burma Civil Justice Regulation, 1886.*  
(Chapter III.—Civil Procedure.—Sections 31-41.)

to be endorsed on the original summons, or on a copy thereof under the seal of the Court.

(2) If the person refuses to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient if it is otherwise proved to the satisfaction of the Court.

31. When the defendant cannot be found, and there is no person on whom the service can be made, the service may be effected by posting the copy of the summons on the outer door of the house in which the defendant is dwelling, if he is dwelling at any place within the local limits of the jurisdiction of the Court.

32. The person serving a summons shall, in all cases in which the summons has been served, endorse on the original summons, or on a copy thereof under the seal of the Court, the time when, and the manner in which, it was served.

33. (1) When a summons is returned to the Court without having been served, if the plaintiff satisfies the Court that there is reasonable ground for believing that the defendant is keeping out of the way for the purpose of avoiding the service of the summons, the Court shall order the summons to be served—

(a) by posting a copy thereof on some conspicuous place in the court-house and also on the door of the house in which the defendant last resided, if it is known where he last resided, or

(b) in such other manner as the Court thinks proper.

(2) A service in the manner ordered by the Court under clause (b) of sub-section (1) shall be as effectual as if it had been made in the manner specified in clause (a) of that sub-section.

34. When service is substituted by order of the Court under the last foregoing section, the Court shall fix such time for the appearance of the defendant as the case may require.

35. If the defendant resides beyond the local limits of the jurisdiction of the Court in which the suit is instituted, and has not within those limits an agent empowered to accept the service, the Court shall transmit the summons for service to a Court having jurisdiction at the place where the defendant resides.

36. (1) If the defendant resides out of British India and has not in British India an agent empowered to accept the service, the summons shall be addressed to the defendant at the place where he resides, and be forwarded to him by post or otherwise.

(2) If on the day fixed for the hearing of the suit, or on any day to which the hearing may be adjourned, the defendant does not appear, the plaintiff may apply to the Court, and the

Court may direct that the plaintiff shall be at liberty to proceed with his suit in such manner, and subject to such conditions, as the Court thinks fit.

37. When the suit is for land or other immovable property, and the summons for any reason cannot be served on the defendant in person, the summons may be served on any agent of the defendant in charge of the land or other property.

*Consequences of Non-appearance of Parties.*

38. (1) If, on the day fixed for the defendant to appear and answer, or any other day subsequent thereto to which the hearing of the suit may be adjourned, neither party appears when called upon by the Court, the suit shall be dismissed.

(2) When a suit is dismissed under this section, the plaintiff may bring a fresh suit, or, if within a period of thirty days he satisfies the Court that there was sufficient cause for his failure to appear, the Court may issue a fresh summons upon the complaint already recorded or plaint already filed.

39. (1) If the plaintiff appears and the defendant does not appear, and it is proved to the satisfaction of the Court that the summons was duly served, the Court shall proceed to hear the suit *ex parte*.

(2) If the defendant appears on any subsequent day to which the hearing of the suit is adjourned, and assigns good cause for his previous failure to appear, he may, upon such terms as the Court may direct as to payment of costs or otherwise, be heard in answer to the suit in like manner as if he had appeared on the day fixed for his appearance.

40. (1) If the plaintiff appears and the defendant does not appear, and it is not proved to the satisfaction of the Court that the summons was duly served in any of the modes of service provided by this Regulation, the Court may direct a second summons to the defendant to be issued in any of those modes.

(2) If the plaintiff appears, and it is proved to the satisfaction of the Court that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day, to be fixed by the Court, and may direct notice of that day to be given to the defendant.

41. (1) If the defendant appears and the plaintiff does not appear, the Court shall pass judgment against the plaintiff by default, unless the defendant admits the claim, in which case the Court shall pass judgment against the defendant upon the admission.

(2) When judgment is passed against a plaintiff by default, he shall be precluded from bringing a fresh suit in respect of the same cause of action.

*The Upper Burma Civil Justice Regulation, 1886.  
(Chapter III.—Civil Procedure.—Sections 42-54.)*

42. If there are two or more plaintiffs, and appearance is made by one or more of them and not by the other or others, the Court may at the instance of the plaintiff or plaintiffs appearing proceed with the suit in the same way as if all the plaintiffs had appeared, and pass such order as is just and proper in the circumstances of the case.

43. If there are two or more defendants, and appearance is made by one or more of them and not by the other or others, the Court shall proceed with the suit to judgment, and shall, at the time of passing judgment, make such order with respect to the defendant or defendants by whom appearance has not been made as is just and proper in the circumstances of the case.

44. (1) Where judgment is passed *ex parte* against a defendant, he may apply within a reasonable time, not exceeding thirty days, after any process for enforcing the judgment has been executed, to the Court by which the judgment was passed, for an order setting it aside.

(2) If it is proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented, by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment and appoint a day for proceeding with the suit.

45. (1) Where judgment is passed against a plaintiff by default, he may apply, within thirty days from the date of the judgment, for an order setting it aside.

(2) If it is proved to the satisfaction of the Court that the plaintiff was prevented by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment by default and appoint a day for proceeding with the suit.

46. A judgment shall not be set aside on an application under either of the two last foregoing sections unless notice of the application has been served on the opposite party.

*Fixing Issues and Preparations for the Hearing.*

47. If both parties are present on the day fixed for the defendant to appear and answer, or on any subsequent day to which the proceedings are adjourned for this purpose, the Judge shall examine them with a view to ascertaining upon what questions of law and fact the parties are at issue, and, having with his own hand made a note of the examination, shall frame and record the issues of law and fact on which the right decision of the case depends.

48. (1) If the parties are at issue on a question of fact, the Court shall then further examine them as to the evidence they intend

to adduce upon the question, and shall appoint a time and place for the hearing of the suit.

(2) Upon such sums being deposited for the expenses of witnesses as, subject to any rules made under this Regulation, the Court thinks reasonable, the Court shall issue such summonses for the attendance of witnesses and the production of documents as the parties may desire.

49. A summons to a witness shall be served as nearly as may be in the manner provided by this Regulation for service of summons on a defendant.

50. If a witness on whom a summons has been so served neglects or refuses to appear at the time and place appointed, and does not offer reasonable excuse for the neglect or refusal, the Court may issue a warrant to bring the witness before it to give his evidence.

*The Hearing.*

51. (1) On the day appointed for the hearing of the suit, or on some other day to which the hearing may be adjourned, the evidence of the witnesses and of any parties to the suit appearing as witnesses shall be taken by the Judge orally in open Court and in presence of the parties.

(2) Any evidence given in a language not understood by a party to the suit shall be interpreted to that party as the examination proceeds.

(3) Each party may examine the opposite party and all witnesses.

52. A memorandum of all evidence taken shall be reduced to writing by the Judge as the examination proceeds with his own hand in English or in Burmese at his discretion.

53. The Court may at any stage of the suit examine as a witness any person present in Court, or call upon him to produce any document or other thing, or summon any person to give evidence or produce any document or other thing, if it considers that the evidence of the person, or the production of the document or thing, is likely to aid it in the decision of the matters in dispute.

*Commissions to take Evidence, make local Enquiries and examine Accounts.*

Issue of commissions. 54. (1) If in any case—

- (a) the evidence of a witness is required who resides at some place far distant from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Court to be personally examined, or is exempt from personal appearance in Court, or
- (b) a local investigation seems requisite for elucidating any matter in dispute, or
- (c) an examination of any accounts becomes necessary,

the Court may, if it thinks fit, issue a commission to any person, delegating to him such powers and containing such instructions as it thinks necessary for the examination of the witness,

*The Upper Burma Civil Justice Regulation, 1886.*  
(Chapter III.—Civil Procedure.—Sections 55-67.)

or the making of the local investigation, or the examination of the accounts.

(2) The commission and the return thereto, and the depositions of any witnesses examined under the commission, and any documents filed before the person to whom the commission was issued, shall form part of the record.

*Judgments.*

55. When the documentary evidence (if any) has been perused, the witnesses examined and the parties heard, the Court shall, either immediately or on some subsequent day of which due notice shall be given to the parties, deliver its judgment.

56. The judgment shall be written by the Judge with his own hand, in English or in Burmese, at the discretion of the Judge, and it shall be dated and signed by the Judge at the time it is delivered.

57. The judgment shall contain the decision of the Court upon each issue, together with the grounds of the decision, and shall conclude with a decree clearly stating the relief granted or other determination of the suit:

Provided that, when the decision upon one or more issues is sufficient for the disposal of the suit, the Court may, in its discretion, abstain from pronouncing any decision upon the remaining issues.

58. (1) The decree shall specify the costs payable and the parties by whom they are to be paid.

(2) In determining the amount of costs the Court shall not allow the remuneration of representatives appointed under section 20.

59. When the suit is for a sum of money due to the plaintiff, the Court may in the decree order interest at such rate as it thinks fit to be paid on the principal sum adjudged from the date of suit to the date of decree in addition to any interest adjudged on the principal sum for any period prior to the date of suit, with further interest, at a rate not exceeding six per centum yearly, on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment.

60. In a decree for the payment of money the Court may, for any sufficient reason, order that the amount due under the decree shall be paid by instalments with or without interest.

61. Where in a suit for moveable property the decree is for the delivery of the property, the Court shall fix an amount as an alternative if delivery cannot be enforced.

62. Certified copies of the judgment, and, in cases where the judgment is required to be translated, of the translation thereof, shall be furnished to the parties on their application and on payment by them of the cost of the copies.

*Procedure in special Cases.*

63. If a Court at any stage of a suit before judgment is satisfied, upon such enquiry as it considers necessary, that the defendant, with intent to avoid or delay the plaintiff, or to obstruct or delay the execution of any decree which may be made against him in the suit, is about to leave the jurisdiction of the Court, or to dispose of any property, or to remove any moveable property from the jurisdiction of the Court, it may issue its warrant for the attachment of the property of the defendant, and may, unless the defendant gives security for the satisfaction of any decree which may be made against him, detain his property under attachment until judgment is pronounced.

64. If a Court at any stage of a suit before judgment is satisfied, upon such enquiry as it considers necessary, that any property which is in dispute in the suit is in danger of being wasted, damaged or alienated by a party to the suit, it may issue an injunction to that party commanding him to refrain from the act of waste, damage or alienation, or make such order for the purpose of staying and preventing him from wasting, damaging or alienating the property, or for the care and custody thereof, as it deems fit.

65. In any suit for restraining the defendant from the committal of any breach of contract or other injury, the Court may at any time after the commencement of the suit, and either before or after judgment, and on such terms as it deems fit, issue an injunction restraining the defendant from the repetition or continuance of the breach of contract or the injury or the committal of any similar breach of contract or injury; and, in case of disobedience, the injunction may be enforced by attaching the property of the defendant and retaining it under attachment until he obeys the injunction.

66. The Court may at any time vary or set aside an order made by it under any one of the three last foregoing sections; and if it is satisfied that any such order has been applied for and procured by any party on grounds known to the party to be insufficient, it may award against the party in its decree such amount, not exceeding two hundred rupees, as it deems a reasonable compensation to the party aggrieved by the order.

67. (1) If at any hearing of a suit it appears to the Court desirable that any person not already a party to the suit should be made a party thereto, it may direct that the person be made a plaintiff or defendant, as the case may be.

(2) Where a person is so made a plaintiff or defendant, the Court shall cause a summons to be served on him in the manner provided by this Regulation for the service of a summons on a defendant.

*The Upper Burma Civil Justice Regulation, 1886.*  
(Chapter III.—Civil Procedure.—Sections 68-78.)

68. Where a suit involves any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution, it may be heard with the aid of assessors selected by the Court from the class to which the parties belong.

Certain suits triable with the aid of assessors.

*Miscellaneous.*

69. Women who, according to the custom and manners of the class to which they belong, ought not to be compelled to appear in public shall be exempt from personal appearance in Court, whether as parties or as witnesses.

Exemption of women from appearance in person.

70. The Local Government may, by notification in the official Gazette, exempt from personal appearance in Court, whether as a party or as a witness, any person whose rank appears to entitle him to the privilege of exemption, and may, by like notification, withdraw the privilege.

Power for Local Government to exempt from appearance in person.

71. (1) All documents admitted as evidence in a suit, other than entries in shop-books or other books, shall be filed with the record and shall not be returned to the parties without the written permission of the Court.

Filing of documents admitted in evidence.

(2) A certified copy of any document so returned within three months from the date of the disposal of the suit shall be filed with the record.

72. (1) When a party desires to put in evidence an entry in a shop-book or other book, he shall produce the book to the Court, together with a copy of the entry on which he relies.

Mode of admission in evidence of entry in book.

(2) The Court shall forthwith mark the entry for the purpose of identification, and, having examined and compared the copy with it, shall file the copy with the record and return the book to the party producing it unless there seems to the Court to be cause for impounding it.

*Execution of Decrees.*

73. The Court shall, on application made by the decree-holder in writing, execute its decrees in the following manner, that is to say—

Mode of execution of decrees.

(a) a decree for property in the possession of the judgment-debtor, by giving possession of the property to the decree-holder, or

when the property is moveable, and possession of it cannot from any cause be given, by levying in the manner provided by this section for the execution of a decree for money the amount fixed as an alternative under section 61;

(b) a decree for partition, by dividing the property and giving the decree-holder possession of his portion;

(c) a decree for money, by attaching the property of the judgment-debtor and selling it by auction;

(d) a decree for the performance of any act by the judgment-debtor, by attaching his

property and retaining it under attachment.

74. Whenever a person has become liable as surety for the performance of a decree or of any part thereof, the decree may be executed against him to the extent to which he has rendered himself liable, in the same manner as a decree may be enforced against a judgment-debtor.

75. When an application is made for the execution of an *ex parte* decree, the Court may in its discretion, before ordering execution, require the applicant to give security for compensation for any injury that may be done in the course of the execution, or may issue a notice to the judgment-debtor to show cause why the decree should not be executed.

76. If a decree cannot be executed within the jurisdiction of the Court which passed it, that Court may transmit to any other Court a copy of the decree, together with—

(a) a certificate that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court which passed it, or has only been so obtained to an extent to be specified in the certificate, and

(b) a copy of any order for the execution of the decree or, if no such order has been made, a certificate to that effect, and may request the Court to which those documents are transmitted to execute the decree as if it were a decree made by itself.

77. On receiving similar documents and a requisition from any Civil Court established in any part of British India beyond the limits of his jurisdiction, or established by the authority of the Governor-General in Council in the territories of any foreign Prince or State, for the execution of a decree made by that Court, the Deputy Commissioner, or the Judge of any Civil Court under his control to whom he may transfer the matter for disposal, may execute the decree as if it had been made by himself.

Execution of a decree of a Court beyond the limits of the district.

*Appeal.*

78. (1) A decree or order made in an original suit of value not exceeding twenty-five rupees by a Circle Officer, or in an original suit of value not exceeding fifty rupees by a Township Officer, or in an original suit of value not exceeding one hundred rupees by a Sub-divisional Officer, shall, subject to the provisions of this Regulation with respect to revision, be final.

(2) From every other decree or order of a Circle Officer, Township Officer or Sub-divisional Officer in an original suit an appeal shall lie to the Court of the Deputy Commissioner.

(3) The Local Government may confer on a Sub-divisional Officer the powers of a Court of a Deputy Commissioner for the purpose of receiving and hearing appeals from decrees and orders of Circle Officers and Township Officers in any local area, and may withdraw those powers.

Appeals from Courts of Circle Officers, Township Officers and Sub-divisional Officers.

*The Upper Burma Civil Justice Regulation, 1886.*  
*(Chapter III.—Civil Procedure.—Sections 79-85.—Chapter IV.—Supple-*  
*mental Provisions.—Sections 86-87.)*

79. (1) A decree or order made in an original suit of value not exceeding five hundred rupees by a Deputy Commissioner shall, subject to the provisions of this Regulation with respect to revision, be final.

(2) From every other decree or order of a Deputy Commissioner in an original suit an appeal shall lie to the Court of the Judicial Commissioner.

80. (1) Save as provided by this section, and subject to the provisions of this Regulation with respect to revision, an appellate decree or order of a Sub-divisional Officer or Deputy Commissioner shall be final.

(2) An appeal from an appellate decree or order of a Deputy Commissioner in a suit of value exceeding one thousand rupees shall lie to the Court of the Judicial Commissioner.

*Revision.*

81. (1) The Judicial Commissioner or Deputy Commissioner may, of his own motion or otherwise, call for the record of any case decided by a Court under his control in which an appeal does not lie or in which, for cause shown to his satisfaction, an appeal has not been preferred within the time limited therefor, and may pass such order in the case as he thinks fit.

(2) A Deputy Commissioner who has been authorized in this behalf by the Local Government may, by order in writing, empower any Sub-divisional Officer under his control to exercise the powers conferred on the Deputy Commissioner by sub-section (1) with respect to the decisions of all or any of the Courts of Circle Officers under the control of the Deputy Commissioner.

*Distribution of Business and Transfer of Proceedings.*

82. A Deputy Commissioner may, by order, direct that any civil business cognizable by him and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

83. (1) The Judicial Commissioner or Deputy Commissioner may withdraw any suit or other proceeding pending in any Court under his control and try it himself or refer it for disposal to any other Court under his control and competent to try it.

(2) Subject to such rules as the Judicial Commissioner may make in this behalf, the Deputy Commissioner of Mandalay, and, with the previous sanction of the Judicial Commissioner, any other Deputy Commissioner, may transfer any suit, whether pending before himself or in a Court under his control, to the Civil Court of Mandalay for disposal.

84. (1) The Local Government may, by order, direct that any civil business cognizable by a Deputy Commissioner shall be transferred to the Court of the Judicial Commissioner or of a Sub-divisional Officer.

(2) Business so transferred shall be disposed of by the Judicial Commissioner or Sub-divisional Officer, as the case may be, subject to the rules applicable to like cases when disposed of by the Deputy Commissioner.

*Review.*

85. (1) The Judicial Commissioner may, for sufficient reason, review any decree or order which has been passed by himself and from which an appeal has not been preferred to Her Majesty in Council.

(2) A Court subordinate to that of the Judicial Commissioner shall not review any decree or order made by it, except for the purpose of correcting a clerical error or other error manifestly the result of an oversight, without previously obtaining—

(a) in the case of the Court of a Circle Officer, Township Officer or Sub-divisional Officer, the permission of the Deputy Commissioner;

(b) in the case of the Court of a Deputy Commissioner, the permission of the Judicial Commissioner.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

86. (1) Cases pending when this Regulation comes into force shall be disposed of by such of the Courts under this Regulation as the Local Government may direct, and shall be dealt with as nearly as may be in accordance with the provisions of this Regulation.

(2) But if in any such case it appears to the Court that the application of any provision in this Regulation would deprive any party of any right which, but for this Regulation, would have belonged to him, the Court may proceed as if this Regulation were not in force.

87. (1) When in any suit it is necessary for a Court under this Regulation to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution,—

the Buddhist law in cases where the parties are Buddhists,

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindu law in cases where the parties are Hindus,

shall form the rule of decision, except in so far as that law has, by legislative enactment, been altered or abolished, or is opposed to any custom having the force of law in Upper Burma.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

*The Upper Burma Civil Justice Regulation, 1886.*  
(Chapter IV.—Supplemental Provisions.—Sections 88-93.)

88. (1) The Judicial Commissioner may, with the previous sanction of the Local Government, make rules consistent with this Regulation for regulating the practice and proceedings of his own Court and the Courts subordinate thereto.

(2) The rules may regulate the following among other matters, namely :—

- (a) the fees to be paid for processes;
- (b) the fees to be paid for copies and inspection of records; and
- (c) the travelling and other expenses of witnesses.

89. The Judicial Commissioner shall comply with any requisitions which the Local Government may make for records of, or papers belonging to, his Court, or any Court subordinate thereto, or for certified copies of, or extracts from, those records or papers, or for returns, statements or reports, and shall act in compliance with any request which the Local Government may make to him with respect to the exercise of the powers conferred on him by section 4, sub-section (3), section 5, sub-section (2), and section 6, sub-section (2).

90. The procedure to be observed by any Court under this Regulation in suits shall be followed, so far as it can be made applicable, in all proceedings in that Court other than suits.

91. Notwithstanding anything in this Regulation, a decree or order shall not be reversed or altered on appeal or revision on account of an irregularity of procedure unless the irregularity has occasioned or is likely to occasion a failure of justice.

92. Powers conferred by this Regulation may be exercised from time to time as occasion requires.

*Transitory Provision.*

93. Until a Judicial Commissioner is appointed for Upper Burma, the functions assigned to him by this Regulation shall be discharged by Commissioners in and for their respective divisions as for the time being defined under section 3 of the Upper Burma Laws Act, 1886.

XX of 1886.

No. 22.—Whereas by resolution passed by the Secretary of State for India in Council the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States;

And whereas the Chief Commissioner of Burma has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into considera-

tion, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India :—

REGULATION No. IX OF 1886.

**THE UPPER BURMA LAND-ACQUISITION REGULATION, 1886.**

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*A Regulation to provide for the Acquisition of Land in Upper Burma for public purposes and for Companies.*

WHEREAS it is expedient to provide for the acquisition of land in Upper Burma for public purposes and for Companies, and for determining the amount of compensation to be made on account thereof;

It is hereby enacted as follows:

## PART I.

## PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Upper Burma Land-acquisition Regulation, 1886.

(2) It extends to the whole of Upper Burma except the Shan States; and

(3) It shall come into force on such date, within three months from the time at which it may receive the Governor-General's assent, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

2. In this Regulation, unless there is something repugnant in the subject or context,—

Definitions.

(1) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

(2) "person interested" includes any person claiming an interest in compensation to be made on account of the acquisition of land under this Regulation:

(3) "Collector" means a Deputy Commissioner of a district, and includes any officer specially appointed by the Local Government to perform the functions of a Collector under this Regulation:

(4) "Company" means a Company registered under the Indian Companies Act, 1882, or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent:

(5) "local fund" means any public fund of which the control or management is entrusted by the Government to any local officer or authority:

(6) "Part" and "section" mean respectively a Part and a section of this Regulation:

(7) "person", "year", "month", "Local Government", "Magistrate" and "imprisonment" have the meanings assigned to them respectively in section 2 of the General Clauses Act, 1868:

(8) words importing the masculine gender shall be taken to include females, and words in the singular shall include the plural, and *vice versa*: and

(9) the following persons shall be deemed persons "entitled to act" as and to the extent in this clause provided (that is to say):—

(a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

(b) a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

(c) the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted.

## PART II.

## ACQUISITION.

*Preliminary Investigation.*

3. (1) Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in such manner as the Local Government may direct, and the Collector shall cause public notice of the substance of the notification to be given at convenient places in that locality.

VI of 1882

I of 1868.

*The Upper Burma Land-acquisition Regulation, 1886.*  
(Part II.—Acquisition.—Sections 4-11.)

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by the Local Government in this behalf, and for his servants and workmen,—

- (a) to enter upon and survey and take levels of any land in the locality;
- (b) to dig or bore into the sub-soil;
- (c) to do all other acts necessary to ascertain whether the land is adapted for the purpose notified;
- (d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;
- (e) to mark the levels, boundaries and line by placing marks and cutting trenches; and
- (f) where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving the occupier at least seven days' notice in writing of his intention to do so.

4. The officer authorized under the last foregoing

Payment for damage done in exercise of powers under last foregoing section.

section shall at the time of his entry under that section pay or tender payment for all necessary damage which may be done by him or his servants or workmen, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Collector, whose decision shall be final.

*Declaration of intended Acquisition.*

5. (1) Subject to the provisions of Part VI, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to the Local Government, or of some officer duly authorized to certify its orders:

Provided that a declaration shall not be made under this section unless the compensation to be awarded for the property is to be paid out of public revenues or out of some local fund, or by a Company.

(2) The declaration shall be published in such manner as the Local Government may direct, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan has been made of the land, the place where the plan may be inspected.

(3) A declaration under this section shall be conclusive proof that the land is needed for a public purpose, or for a Company, as the case may be; and, after making the declaration, the Local Government may acquire the land in manner herein-after appearing.

6. Whenever any land has been so declared

After declaration Collector to take order for acquisition. to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government

in this behalf, shall direct the Collector to take order for the acquisition of the land.

7. The Collector shall thereupon cause the Marking and measuring of the land. land (unless it has been already marked out under section 3) to be marked out. He shall also cause it to be measured, and (if no plan has been made) a plan to be made thereof.

8. (1) The Collector shall then cause public Notice to persons interested in the land. notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in the land may be made to him.

(2) A notice under sub-section (1) shall state the particulars of the land needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (the time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for those interests.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of the land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent as aforesaid, the notice shall be sent to him by post.

9. The Collector may also require any person referred to in sub-section (3) or sub-section (4) of the last foregoing section to deliver to him a statement, containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of that interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

10. A person required to make or deliver a statement under section 8 or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

*Inquiry into Value and Claims, and Award by Collector.*

11. (1) On the day mentioned in the notice under section 8, sub-section (1), the Collector shall proceed to inquire into the value of the land and to determine the amount of compensation to be allowed therefor, and shall make and sign an award for the same.

(2) For the purpose of an inquiry under this section, the Collector may summon and enforce the attendance of witnesses and compel the production of documents by the same means and,

*The Upper Burma Land-acquisition Regulation, 1886.*

(Part II.—Acquisition.—Sections 12-15.)

(Part III.—Apportionment of Compensation.—Sections 16-17.—Part IV.—Payment.—Sections 18-20.)

as far as may be, in the same manner as is provided by the Upper Burma Civil Justice Regulation, 1886, in the case of a Civil Court.

12. The Collector may, if no claimant attend Adjournment of in- pursuant to the notice, or inquiry. if for any other cause he thinks fit, from time to time postpone the inquiry to a day to be fixed by him.

13. (1) In determining the amount of compensation to be awarded for land acquired under this Regulation, the Collector shall take into consideration—  
Matters to be respectively regarded and disregarded in determining compensation.

*First*, the market-value of the land at the time of the award;

*Secondly*, the damage (if any) sustained by the person interested, at the time of the award, by reason of the severance of the land from his other land;

*Thirdly*, the damage (if any) sustained by the person interested, at the time of the award, by reason of the acquisition injuriously affecting his other property, whether moveable or immovable, in any other manner, or his earnings; and

*Fourthly*, if, in consequence of the acquisition, the person interested is compelled to change his residence, the reasonable expenses (if any) incidental to the change.

(2) But the Collector shall not take into consideration—

*First*, the degree of urgency which has led to the acquisition; or

*Secondly*, any disinclination of the person interested to part with the land acquired; or

*Thirdly*, any damage sustained by him which, if caused by a private person, would not render the person liable to a suit; or

*Fourthly*, any damage which, after the time of the award, is likely to be caused by or in consequence of the use to which the land acquired will be put; or

*Fifthly*, any increase to the value of the land acquired, likely to accrue from the use to which the land will be put when acquired; or

*Sixthly*, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put; or

*Seventhly*, any outlay or improvements on the land made, commenced or effected with the intention of enhancing the compensation to be awarded therefor under this Regulation.

*Taking Possession.*

14. When the Collector has made an award he may take possession of the land, which shall thereupon vest absolutely in the Government free from all incumbrances.  
Power to take possession after award in ordinary cases.

15. (1) In cases of urgency, whenever the Power to take possession in cases of urgency. Local Government so directs, the Collector may, on the expiration of fifteen days from the publication of the notice mentioned in section 8, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company.

(2) The land shall thereupon vest absolutely in the Government free from all incumbrances.

(3) The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on the land; and in case the offer is not accepted the value of the crops and trees shall be allowed for in awarding compensation for the land under the provisions of this Regulation.

PART III.

APPORTIONMENT OF COMPENSATION.

16. Where there are several persons interested, if they agree in the apportionment of the compensation, the particulars of the apportionment shall be specified in the award, and as between them the award shall be conclusive evidence of the correctness of the apportionment.  
Particulars of apportionment to be specified in the award.

17. When the amount of compensation has been Dispute as to apportionment. settled, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall decide the dispute.

PART IV.

PAYMENT.

18. Payment of the compensation shall be made by the Collector according to the award to the persons named therein:  
Persons to whom payment of compensation is to be made.

Provided that nothing in this section shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Regulation to pay the same to the person lawfully entitled thereto.

19. When the amount of the compensation has been settled, if the persons interested so desire, the Collector shall on making the award pay the amount of the compensation and take possession of the land:  
Time for payment of compensation.

Provided that, in any case where immediate possession is not required, he may allow the occupants (if any) of the land to remain in occupation thereof upon such terms as he and they may agree on, until possession of the land is required.

20. (1) In addition to the amount of any compensation awarded under this Regulation, the Collector shall, in consideration of the compulsory nature of  
Percentage on market-value and interest.

*The Upper Burma Land-acquisition Regulation, 1886.*  
 (Part V.—Temporary Occupation of Land.—Sections 21-22.—Part VI.—  
 Acquisition of Land for Companies.—Sections 23-26.)

the acquisition, pay fifteen per centum on the market-value mentioned in section 13, sub-section (1).

(2) When the amount of the compensation is not paid on possession being taken, the Collector shall pay the amount awarded and the percentage referred to in sub-section (1) with interest on the amount and percentage at the rate of six per centum yearly from the time of possession being taken.

### PART V.

#### TEMPORARY OCCUPATION OF LAND.

21. (1) Subject to the provisions of Part VI, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the land for such term as it thinks fit, not exceeding three years from the commencement of the occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in the land of the purpose for which the land is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as he thinks just.

22. (1) On payment of compensation under the last foregoing section the Collector may enter upon and take possession of the land, and use it or permit the use thereof in accordance with the terms of the notice.

(2) On the expiration of the term of occupation and use, the Collector shall make or tender to the persons interested such compensation for the damage (if any) done to the land as he thinks just, and shall restore the land to the persons interested therein:

Provided that, if the land has, in the opinion of the Collector, become permanently unfit to be used for the purpose for which it was used immediately before the commencement of that term, and if the persons interested so require, the Local Government shall proceed under this Regulation to acquire the land as if it were needed permanently for a public purpose or for a Company.

### PART VI.

#### ACQUISITION OF LAND FOR COMPANIES.

23. (1) Subject to such rules as the Governor-General in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of

any Company desiring to acquire land for its purposes to exercise the powers conferred by section 3.

(2) In every case referred to in sub-section (1), section 3, sub-section (2), clause (c), shall be construed as if for the words "for the purpose notified" the words "for the purposes of the Company" were substituted; and section 4 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

24. The provisions of this Regulation shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, and unless the Company has executed the agreement mentioned in section 26.

25. (1) Consent under the last foregoing section shall not be given unless the Local Government is satisfied by inquiry—

- (a) that the acquisition is needed for the construction of some work; and
- (b) that the work is likely to prove useful to the public.

(2) The inquiry under this section shall be held by such officer and at such time and place as the Local Government may appoint.

(3) The officer appointed in this behalf may summon and enforce the attendance of witnesses, and compel the production of documents, by the same means and, as far as may be, in the same manner as is provided by the Upper Burma Civil Justice Regulation, 1886, in the case of a Civil Court.

26. (1) An officer holding an inquiry under the last foregoing section shall report to the Local Government the result of the inquiry, and if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that the work is likely to prove useful to the public, it shall, subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government for the following matters, namely:—

- (a) the payment to the Government of the cost of the acquisition;
- (b) the transfer of the land to the Company on that payment being made;
- (c) the terms on which the land is to be held by the Company;
- (d) the time within which, and the conditions on which, the work is to be executed and maintained; and
- (e) the terms on which the public is to be entitled to use the work.

*The Upper Burma Land-acquisition Regulation, 1886.*  
(Part VII.—Miscellaneous.—Sections 27-37.)

(2) An agreement entered into under this Publication of agree- section shall, as soon as may ment. be after its execution, be published in the local official Gazette, and shall thereupon (so far as regards the terms on which the public is to be entitled to use the work) have the same effect as if it had formed part of this Regulation.

## PART VII.

## MISCELLANEOUS.

27. (1) Service of a notice under this Regu-  
Service of notices. lation shall be made by deliv-  
vering or tendering a copy thereof signed, in the case of a notice under section 3, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When that person cannot be found, the service may be made on any adult male member of his family residing with him; and, if an adult male member cannot be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business.

28. If any person wilfully obstructs the doing of any of the acts authorized by section 3 or section 7, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 3, sub-section (2), clause (e), he shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

29. The provisions of sections 68 to 70, both inclusive, of the Indian Penal Code, and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1882, shall apply to fines imposed under this Regulation.

30. If the Collector is opposed or impeded in taking possession under this Regulation of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate, and the Magistrate to whom the application is made shall enforce the surrender of the land to the Collector.

31. (1) Except in the case mentioned in the proviso to section 22, nothing in this Regulation shall be taken to compel the Government to complete the acquisition of any land unless an award has been made under the provisions of this Regulation.

(2) But whenever the Government declines to complete an acquisition, the Collector shall determine the amount of compensation due for the

damage (if any) done to the land under section 3 or section 7, and not already paid for under section 4, and shall pay the amount to the person injured.

32. The provisions of this Regulation shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of the house, manufactory or building be acquired thereunder.

33. Where the provisions of this Regulation are put in force for the purpose of acquiring land at the cost of any local fund, or of any Company, the charges incurred by the Collector in the acquisition shall be defrayed from or by the fund or Company.

34. No award or agreement made under this Regulation shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy thereof.

35. (1) No suit shall be brought to set aside an award under this Regulation.

(2) And no suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Regulation without one month's previous notice in writing to the person of the intended proceeding and of the cause thereof, or after tender of sufficient amends.

36. (1) The Local Government may make rules consistent with this Regulation for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules.

(2) All rules, alterations and additions made under this section shall, when sanctioned by the Governor-General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

(3) Rules may be made under this section at any time after this Regulation has received the assent of the Governor-General, but a rule so made shall not have effect until this Regulation comes into force.

37. An appeal shall not lie from any order passed by a Collector under this Regulation; but the Local Government, or any officer authorized by the Local Government in this behalf, may call for the proceedings of the Collector in any case, and, after such inquiry, if any, as may seem necessary, revise or cancel any order passed by the Collector, or refer any point arising in the proceedings for decision by any Civil Court in Upper Burma.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.